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HUMAN RIGHTS SITUATION IN AFRICA

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SUBCOMMITTEE ON AFRICA
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

FEBRUARY 22, 1995

Printed for the use of the Committee on International Relations



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CONTENTS

WITNESSES

	Page
Hon. John Shattuck, Assistant Secretary of State, Bureau of Democracy, Human Rights and Labor	2
Thomas R. Lansner, consultant and analyst, Freedom House	15
Holly Burkhalter, advocacy director, Human Rights Watch	18
Adotei Akwei, government program officer for Africa, Amnesty International USA	22
Patrick J. O'Farrell, executive director, African-American Labor Center, AFL-CIO	27

APPENDIX

Prepared statements:	
Hon. Ileana Ros-Lehtinen	39
Hon. Donald M. Payne	41
Hon. John Shattuck	44
Thomas R. Lansner	54
Holly Burkhalter	63
Adotei Akwei	76
Patrick J. O'Farrell	88

HUMAN RIGHTS SITUATION IN AFRICA

WEDNESDAY, FEBRUARY 22, 1995

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON AFRICA,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2255, Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chair of the subcommittee) presiding.

Ms. ROS-LEHTINEN. Good morning, the subcommittee will come to order. I would first like to welcome and extend our appreciation to all of you for being here today, especially to the panelists who will give us their insight about the human rights situation in Africa.

We have kept a very busy schedule in the last month. Among other things, we have had two regional briefings and a separate executive session focusing on the United States military operations in Somalia.

Today, however, we are changing gears a bit to focus on an issue which strikes at the very core of democratic values and beliefs, and this is human rights. Nearly two-thirds of the African countries are in a transitional stage. They are replacing autocratic governments with democratic institutions. However, civil strife and activities of extremist movements continue to foment terror and despair throughout many regions of the continent. The total disregard for human rights of a few is endangering the progress that has been made thus far by many African nations. These individuals do not realize that protection of and respect for these basic natural rights is a prerequisite to a stable and equitable form of government and without this guarantee democracy cannot flourish.

It is within this context, then, that I would like to introduce our first speaker, John Shattuck, Assistant Secretary of State for Democracy, Human Rights and Labor. The Secretary served as vice president of Harvard University from 1984 to 1993 where he also taught human rights and civil liberties law at Harvard Law School.

Previously, he was executive director of the Washington office of the American Civil Liberties Union where he had also served as national counsel. Secretary Shattuck has held numerous other positions in the field of human rights advocacy, among these vice chair of the U.S. section of Amnesty International and as an executive committee member of the Leadership Conference on Civil Rights. He has been honored on numerous occasions for his dedication and contributions to civil liberties and human rights. We are pleased to have him join us today.

Thank you, Mr. Secretary.

STATEMENT OF THE HONORABLE JOHN SHATTUCK, ASSISTANT SECRETARY OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR

Mr. SHATTUCK. Thank you very much, Madam Chair. I am very pleased to be here today to have an opportunity to discuss the important issues of human rights and democracy in Africa. I am particularly pleased to appear before you and to congratulate you on your position as chair of this very important subcommittee.

Ms. ROS-LEHTINEN. Thank you.

Mr. SHATTUCK. I am joined today by Deputy Assistant Secretary Ed Brynn of the Bureau of African Affairs who will also be testifying with me, although I will make the opening remarks on behalf of the State Department on the human rights issues.

Madam Chair, before I turn to the details, let me offer a general assessment of the situation involving human rights and democracy in Africa.

First, we have seen and have every reason to expect to continue to see some very encouraging developments in the field of democracy. In particular, in 1995 the majority of Africa states are turning toward democracy and market-based economic systems having realized that one-party rule and state-run economies do not and cannot work. Progress here has not been uniform. The fullness and consolidation of democratic and market forms vary across countries.

For our part, the United States strongly supports these transitions and I would, of course, highlight above all, South Africa's dramatic transition from legal apartheid to democracy, which led to the election of Nelson Mandela as President in 1994.

In Africa, we also see, however, major problems, most catastrophic in Rwanda, but elsewhere as well. One of Africa's largest and most important states, Nigeria, remains under the rule of the military who seized power after the elections of 1993; there are civil wars in Liberia and Sudan; last year, the Gambians slid back into military rule. And I will take up these problems in detail later in my remarks and, of course, in response to your questions as well.

Here, I will only say that we believe that democracy and human rights in Africa matter to the United States, to the world, and above all, of course, to the people of Africa. And we intend to do what we can to work with those trying to improve their own countries and to work with multilateral organizations including the United Nations to help resolve civil conflicts and prevent future crises.

Let me turn first to the key goals of United States policy toward Africa which can be briefly summarized. They are based upon the premise that we need to support the political and economical reforms initiated by Africans, themselves. Our chief objectives are, one: first, governments that are democratic, stable, effective and responsible and that protect human rights; second, equitable economic growth; three, prevention and resolution of conflicts; and fourth, effective responses to transnational issues.

These goals and the policies to effect them are related. We have learned in our human rights and democracy work in Africa as elsewhere that we must look at events through a policy lens that will capture the complex relationships among problems and among solutions. Thus, we recognize that the growth of democracy supports market-based economic growth by providing the resources for the development of what we refer to as civil society, a network of relationships based on mutual trust and the rule of law rather than arbitrary or authoritarian power and that respect human rights.

By the same token, preventing or, if need be, resolving conflicts through the development of African peacekeeping and enforcement mechanisms will also help prevent the massive violations of human rights that we have seen in Rwanda, and Liberia, and elsewhere, and in turn help reduce the refugee movements and environmental destruction that these conflicts engender.

Madam Chair, the United States has a range of tools, as you know, to promote democracy and human rights in our foreign policy. Central among them are our assistance programs which are used both positively to encourage progress and negatively where necessary to discourage and condemn reversals and bring to justice human rights violators. The Congress has played a key role with the executive branch in developing specific democracy assistance programs.

I want to highlight one of our most innovative and creative programs, the Democracy and Human Rights Fund in Africa, which enables our embassies to provide small grants, not exceeding \$100,000 for grassroots democratization and human rights projects that they can directly observe and evaluate. The important role in these grants in effective real change in Africa's political life is all the most striking in light of the very small sums involved. In fiscal year 1995, just \$4 million with no individual grant, as I said, exceeding \$100,000. The administration strongly supports this program and urges that it be retained as we reshape our assistance policies toward Africa.

Through our assistance programs, we have conducted a wide variety of effective projects in the field of human rights and democracy in recent years. For example, we have supported election assistance and civic education in Mali, election monitors in Zambia, training for political parties in Benin, election efforts and democratic institution building in Malawi, election management, demobilization and civic education in Namibia, and parliamentary training in the Central African Republic. In South Africa democracy promotion projects such as voter education, community outreach and leadership development and support for strengthening of public management institutions are a significant part of our overall program to help South Africa through its dramatic and difficult transition from apartheid to democracy.

We also use our aid to press for an end to human rights abuses by reducing or eliminating programs. One recent example is in Gambia where the 1994 coup prompted a suspension by us of our aid program. Multilaterally, we oppose loans by international financial institutions to countries that have a pattern of serious human rights abuses, excepting loans for basic human needs. We

have opposed loans to Equatorial Guinea, Mauritania and Sudan for these reasons.

In Nigeria, we have employed a variety of sanctions in opposition to the military government's suppression of human rights and democratic development, including refusal of visas to civilian and military leaders and their families who impede the return to democracy, export control restrictions, prohibition of military sales and termination of Exim lending and OPEC coverage.

To look at a different sort of case, in Mauritania, we have condemned and pressed the government to end continuing practices of slavery by cutting off assistance and ending trade benefits under the general system of preferences.

An important diplomatic tool is also our annual country reports on human rights which were published earlier this month. These reports are very widely publicized throughout Africa, are closely read by governments and private organizations and those who are struggling for improvement of their human rights situation and promotion of democracy and they have an impact on official behavior.

I would like to now turn to the record of events in Africa over the last year and quickly review some key countries in a bit more detail, starting first with positive developments and then turning to some of the more disturbing developments.

The greatest triumph of 1994, the election of Nelson Mandela as President of South Africa marked the end of one of the most profound racist systems in history and the beginning of democratic polity. Politically motivated violence has decreased significantly in South Africa since the April elections. Just last week, the country took another step forward with the installation of a constitutional review court some of whose members were antiapartheid activists in the past, including one who represented President Mandela at his trial for treason some 31 years ago.

Not long ago, most observers would have considered this peaceful shift to a model democracy as nearly impossible. The United States is very proud to have contributed to this major victory for democracy through two administrations and I think through a significant commitment of resources and personnel and activities by government as well as nongovernmental organization.

Many other African countries have undertaken democratic transitions which while perhaps less heralded than South Africa are by no means less profound or meaningful particularly for their citizens and their countries. Five years, there were only 5 democratically elected governments in sub-Saharan Africa; today, there are 21. There have been other important strides toward civil society. For example, the press in many African countries has gained considerably greater freedom than it enjoyed a decade ago in a number of countries, although this certainly continues to be major problems in other countries.

The numbers of human rights activists and organizations are growing throughout the continent, exemplified by the group for studies and research on democracy and economic and social development in several francophone states of West Africa and the organizations, ZIMRIGHTS in Zimbabwe.

Let me cite a few of the democracy and human rights success stories in particular countries in the last 2 years.

The Central Africa Republic successfully completed its transition to democratic, multiparty rule following free and fair elections in 1993. In 1994, Malawi ended the one-man, one-party rule it had experienced since independence and introduced a new constitution with strong human rights provisions.

Namibia has made a successful transition to multiparty democracy and in December 1994, it held free and fair presidential elections and parliamentary elections as well.

Ghana's transition to a transitional democracy begun in 1992 remained on track last year.

A U.N.-negotiated peace in Mozambique ended 16 years of brutal civil war and elections last year installed a new government.

Tanzania also continued to move toward democracy and most of the 12 new opposition parties participated in local and by-elections in 1994.

Zimbabwe has continued to improve its human rights record led by key rulings from the supreme court in 1994 on rights of women, free assembly and due process.

The United States has strongly supported these developments. In the aid projects that I discussed earlier, we have sought to support the domestic institutions each country is developing for itself and also we have provided cross-fertilization by sharing ideas that have worked elsewhere.

Many of these countries are undertaking democratic reform in connection with serious efforts in economic reform and we are working to support such economic reform through out assistance programs. We provide humanitarian aid to countries in transition to lessen the sufferings of innocent civilians and help create a climate conducive to negotiations and dialogue, for example, in Ethiopia and Eritrea and Mozambique.

Let me turn now, perhaps most powerfully and most in some ways significantly, but not to overshadow this progress that I've been describing, to some of Africa's human rights crises and our responses to these crises. These are crises that I think are deep and disturbing developments in the field of human rights.

Liberia continues to be racked by brutal civil war; we are working with the U.N. and with regional organizations to try to bring the parties together. In southern Africa, Angola has been unable to bring its conflict to a peaceful conclusion, and egregious violations of human rights, the dislocation of millions of people and even as many as 1 million civilian deaths have occurred, although there is hope that the Lusaka protocol signed late in 1994 will finally bring peace. United States participation in the protocol process is very, very significant.

In the Sudan, the civil war continues and the dismal human rights situation shows no sign of improvement. We have made a resolution on Sudan one of our top priorities in the U.N. Human Rights Commission.

In Nigeria, the military seized power in November 1993 following the annulment of elections in June of that year which had been judged by national and international observers as the freest and fairest in the nation's history. In response, the United States, as

I have indicated, instituted visa restrictions and export controls and other forms of strict sanctions and we do not rule out the possibility of further sanctions.

The Gambia's military have scrapped most of the country's democratic institutions and committed many human rights abuses. In response, we have terminated aid other than democracy promotion. The military rulers have now agreed to a 2-year timetable for holding democratic elections and we are pressing for a shorter timetable.

In Zaire, Prime Minister Kengo's ambitious program of political reform continues to be severely obstructed by President Mobutu and his allies in the security services and the Parliament. In response, we have imposed an arms embargo as well as visa restrictions targeted at Zairian obstructionists.

In North Africa, human rights conditions have deteriorated in several countries. In Egypt, the government's security services and terrorist groups are locked in a cycle of violence and widespread violations continue.

In Algeria, government forces have shown increasing disregard for human rights in their attempts to suppress the Islamist insurgency, while some Islamist groups have committed heinous acts of violence against Algerian citizens and foreigners, intimidating the population and depriving it of basic human rights. We have publicly and privately condemned violence and human rights abuses in both Egypt and Algeria. Libya, of course, is one of the rogue states of the world, and we have used a broad range of sanctions against its harsh regime.

Madam Chair, I have saved until last the most serious issue that Africa is facing today and faced last year, and that is the catastrophic human rights crisis in Rwanda. The genocidal slaughter that occurred in that country is among the greatest human rights catastrophes of our time in both speed and scale. I have traveled to Rwanda twice since the onslaught of the killings in April 1994. I cannot adequately describe some of the things that I have seen.

From this horror, we and the Rwandan Government and other members of the international community are trying to wrest justice and hope for the future. In particular, the United States has fought hard and successfully for the creation of the U.N. War Crimes Tribunal for Rwanda. We have contributed personnel and substantial funds to the tribunal and were instrumental in helping the U.N. field human rights monitors now numbering over 100 and contributing substantial funds to this effort to stabilize the country so that refugees can be induced to return.

In addition, we are contributing substantial development aid for the rebuilding of economic and social structures in Rwanda and the establishment of a Rwandan justice system. The establishment of criminal responsibility for genocide is crucial if we are to differentiate victims from aggressors, to foster societal reconciliation and overcome the cynical argument heard in too many quarters that ethnic conflicts cannot be resolved.

We are also working to prevent a human rights disaster in Burundi akin to that of Rwanda. Through intensive diplomatic efforts, assistance programs and NGO activities, we are actively supporting efforts to prevent ethnic bloodshed and promote national rec-

conciliation. Our development aid is focused on grants to promote dialogue, reconciliation and human rights. We are joining with other governments to support the U.N.'s comprehensive plan for human rights advisory services in Burundi and the OAU monitoring force. We are also pressing for accountability for those responsible for the attempted coup and murder of President Ndayade in October 1993 and the ethnic violence that followed. I have personally travelled twice to Burundi to investigate and encourage these efforts at accountability and reconciliation.

I have discussed Rwanda and Burundi at the end of my opening statement and at some length because I believe they are indicative of the new challenges in preventive diplomacy and preemptive conflict resolution that we must meet to manage the post-cold war human rights crises that arise along new fault lines within societies and between countries. Many of the old familiar diplomatic and military tools, particularly bilateral tools have proven to be of limited utility in addressing these horrendous challenges. We are joining our efforts with other governments and nongovernmental organizations to begin to establish mechanisms of justice in particular that will meet these challenges.

In closing, Madam Chair, I would like to echo the words of my friend and colleague, National Security Advisor Lake, who recently completed an extensive mission to Africa. He has said, "President Clinton and his administration reject Afro-pessimism. But neither should any of us seek refuge in the illusions of Afro-optimism. What is needed, instead, is a new realism. A realism that commits us to the hard work that can strengthen the partnership between Africa and America. Without that partnership, Africa will have lost the support we wish to give and are determined to give. America will have lost the opportunity to participate in what could be, what must be one of the great adventures of our time, fulfilling the dreams of Africa's greatness that animated the leaders of its independence so many years ago."

I would add that those dreams are not the special province of any elite. They are the dreams of men and women throughout Africa who are working to create better lives for themselves and their children, often in the face of fantastic hardship and with great courage. All Africans are endowed with inalienable rights to freedom and dignity and we are committed to helping them realize their dreams of those rights.

Thank you very much, Madam Chair.

[The prepared statement of Mr. Shattuck appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much, Mr. Secretary, especially for those comments about Afro-pessimism. Here we have the Congress realism, which is overlapping committees and too many things to do. Congressman Houghton has to go to a Ways and Means markup at 10:30; I will be on the floor at 11, so Congressman Salmon of Arizona will be taking over for a few minutes. We will be scooting out, but we will all return. First, I will recognize Congressman Houghton for his questions.

Mr. HOUGHTON. Thank you very much. I am terribly sorry I have to go. It is one of those terrible things. You get caught up in your

scabbard around here, and I am afraid I will have to go to another meeting.

Let me just ask you a very, very sort of basic question. You know, if you take a look at the amount of money which we have spent in Africa over the last 10 years, call it \$8 billion, which is probably not right but it is approximately that, and then add that what we have given Egypt in terms of national defense help, maybe that is another \$8 billion, maybe more, has that money been wisely spent?

Now, the reason I ask that is because we are under tremendous constraints here with this budget cutting. We are trying to do the right thing. We are not trying to put a hard edge. We understand not only our humanitarian, but also our economic and military responsibilities throughout the world; but the critical question is what do we do now? What are those areas you think are important? Where could we exert the most leverage?

Mr. SHATTUCK. Well, Mr. Houghton, thank you for asking that question because I think it is at the heart of the work of this subcommittee and I really appreciate the opportunity to help try to think these very difficult issues through.

As I said in my opening statement, perhaps it was just a few minutes before you came in, there have been some dramatic developments in the last 5 years in Africa in the area of democratic development, participation in processes of national reconciliation. Some 20 countries now are counted by Freedom House and by the United States Government and many other observers as having democratic governments in Africa. Five years ago, only five had such governments. This is the kind of process for which I think our assistance, and that of many other countries, is crucial. Indeed, I think very carefully tailored programs, that are small both in their dollar amounts and in the actual numbers for particular projects, make this particularly dramatic.

Under the so-called 116E fund mechanism, the African Regional Democracy Funds, \$4 million annually goes to a wide variety of projects such as election monitoring, public education development in the field of civic activity, the building of institutions of management, working with human capital, if you will, in the field of democracy building. None of those grants are over \$100,000. They are administered through local nongovernmental organizations.

There are also longer term assistance programs for developing justice systems in African countries. I think the most dramatic example right now is the one in Rwanda. The United States is committed to helping Rwanda build a justice system from the ground up to deal with this terrible legacy of genocide that hangs over the country. We also committed funds to the U.N. War Crimes Tribunal.

In the field of human rights and democracy, the dollars that are spent on Africa are spent extremely well and extremely frugally. These are not large assistance programs. You mentioned the programs that go for providing security assistance to one of our major security partners, Egypt. Certainly, the dollars involved in that area are much larger because of the nature of the security assistance program. I am not here to testify about security assistance in particular, but I would note that in Egypt some of those funds are

going to the administration of justice which is one of the critical elements in Egypt for developing reforms that will provide better protection for human rights. We have worked very closely with the Egyptian judiciary. And I might note that in an otherwise disturbing couple of years in terms of problems of human rights that are well chronicled in our report, the Egyptian supreme court took a very courageous stand on the issue of torture 2 years ago and actually invalidated the convictions of a number of persons who were tortured in prison and where there was clear evidence of torture.

Mr. HOUGHTON. Could I just interrupt a minute?

Mr. SHATTUCK. Yes.

Mr. HOUGHTON. This is all very helpful and you are much more knowledgeable than I will ever be on this, but what I am trying to do is to put into perspective what the priority items are.

I mean you have got genocide in Rwanda and Burundi. You have the engine, the economic engine of the continent in South Africa. You have a very serious ally in Egypt really having an impact on something which could blow us all up which is the Middle East. You have fanaticism both in the Sudan and now as evidenced in the paper recently, just even this morning, in Algeria as far as the whole Moslem-Christian. I mean where are areas, as you look over the next hill, that you really want to focus on here, because we have got to make those decisions.

Mr. SHATTUCK. Well, first of all, let me say that where you find the most horrendous human rights abuses, you will not find American dollars in assistance programs in Africa. Indeed, those are, you mentioned the Sudan. You certainly indicated the problems there and the problems of Mauritania where we see slavery. There is where our assistance programs have been curtailed, some for a long period of time and some for shorter periods of time.

Where we want to encourage the growth of democratic institutions, certainly, the key countries in Africa. You mentioned South Africa; it is certainly very critical. Nigeria is very important. And here we have a very serious ongoing human rights and democracy problem, a refusal of the Nigerian military to allow a democratically elected government to take office. For that reason, we have curtailed our assistance and are directing it primarily through NGO's and otherwise engaging in sanctions. So the tools that we are using there are not providing assistance. We are using negative inducements to try to persuade the Government of Nigeria to move along.

The states around South Africa obviously are critically important in terms of developing democratic institutions. And there we have seen considerable progress. I mentioned those in my opening statement.

So I think in terms of size and importance of countries, there are no two countries more important in Africa than South Africa and Nigeria and they represent perhaps opposite ends of the scale right now in 1995. South Africa very hopeful, very positive, and Nigeria with many more serious problems.

Mr. HOUGHTON. Well, thank you.

I have overused my time, Madam Chair. Thank you.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Houghton.

Mr. Secretary, we have been joined by Congressman Salmon and Congressman Chabot, as well as by Congressman Payne. I do not know if you gentlemen who just scooted in have any questions. I do not want to put you in a difficult spot, but you know the Secretary from before, and you know his level of expertise. Here is his statement. I do not wish to rephrase anything that he has said, but it was a fairly optimistic—I would say cautiously optimistic summary, at least moving toward the right direction, the right path toward democracy and respect for human rights, certainly, when we look upon 5 years ago, where we were and where we are now, although there are some very bad holdouts still. And they are so extremely horrible that they deserve their own terrible chapters when we write the history of human rights abuses.

Again, I do not know if you have any specific questions for the Secretary?

Mr. PAYNE. Thank you very much, Madam Chair.

I would just like to ask unanimous consent to have an opening statement and an article put into the record.

Ms. ROS-LEHTINEN. Of course.

[The prepared statement and article of Mr. Payne appear in the appendix.]

Mr. PAYNE. First of all, I, too, would like to say that I share your optimism with what is happening in parts of Africa, especially the southern rim where we have seen the long civil war in Mozambique, hopefully, coming to an end and the election in Malawi, where a new government is taking over from President Banda, is moving along. In a guarded way, I would like to include the elections in Zambia, where things are not as great as we would like them to be, but we are pleased that the old gentleman has gone back to the farm, although the new government is struggling.

And with Namibia continuing to try to progress and Botswana's great record of having close to 2 billion of reserves put away in the past year which is amazing, and the Angola situation which we hope will hold; I think for the first time we will have a number of countries in the southern part of Africa where civil war or civil strife will not be the number one issue in those countries.

Also, it would appear to me that, at least in that region, there is a golden opportunity to attempt to push forward the institutions of democracy and to assist them in strengthening the judicial system and the whole question of human rights, but by the same token to assist in their moving to a market economy and that kind of assistance. I think that we can best serve many of these countries by giving technical assistance and encouraging investment because these are the areas that they need.

One of the areas that we do not hear much about, though, is on the question of health and the status of children. I just wonder, Mr. Secretary, if you could just generally touch on the health situation in general and the status of children in general.

Mr. SHATTUCK. Thank you very much, Mr. Payne. And, of course, your work in the region is exemplary and I want to salute you for all of your commitments and travel. Of course, I have crossed paths with you a number of times. I appreciate the fact that you have led the way in many instances.

The issue of health and the ways in which the United States through its assistance programs as well as encouraging local self-help activities in the field of health is, of course, a very high priority for the administration and for several administrations working in the field of Africa.

I think the health of children, obviously, the issue of AIDS, and some of the abuses that are committed against women in some African context, all raise major questions of health activities.

Much of our grassroots support that I was talking about before for nongovernmental organizations goes in the field of health. Small grants to help health clinics and centers. I will be glad to provide more information for you in writing on that subject if you would like. But these are what I would call the trends, national issues, that affect more than just individual countries.

Certainly, the field of AIDS is very much that way. In working with the World Health Organization and other international bodies, the United States is very active in promoting improvements in the health of all Africans in dealing with the horrible conditions such as those that result from AIDS.

Mr. PAYNE. Thank you. Just one other question. You mentioned Nigeria, and I was just wondering if there has been any further advance from the Constitutional Convention and the situation of Mko Abeola, and whether General Bocha has really talked about stepping down as head of state?

Mr. SHATTUCK. Well, we are following the situation in Nigeria very, very closely, and frankly have been disappointed over the course of the last year in the little or no progress that has been made toward the restoration of the democratically elected regime, the presidency of Chief Abeola.

There is, as you indicate, a Constitutional Convention process that is underway. The conference was established by the government to look at the issue of return to civilian elected government. It has begun its deliberations, but its final report is a long way from complete and the government has not released a timetable for return to civilian government and we have made very clear in our diplomatic engagement with Nigeria and through some of the sanctions that I have described in my testimony, that we are not satisfied with the progress that has occurred to date.

We are also very deeply concerned about suspension of freedom of the press in many situations, the arrest of those who have opposed the policies of the military regime and the closing of several publishing houses and the dismissal of freely elected leaders of labor unions. So there are some serious human rights and democracy problems in Nigeria which the United States and other governments are pressing Nigeria very hard to address.

I might ask if my colleague, Mr. Brynn, would like to add to that.

Mr. BRYNN. Mr. Congressman, I would only add that we have been engaged in some very discrete by high level discussions with senior officials in Nigeria. These are ongoing conversations underway at this very time. We have certainly established as a working premise that a large majority of the people of Nigeria are not supportive at all of General Bocha and some of his recent actions have indicated that he is increasingly aware of his own isolation.

It is hard to project an optimistic agenda at this moment, but I would assure you that we have some very intense discussions going on and there is reason for some hope that we will be able to help leverage some decisive improvements in the situation, perhaps in the course of this year.

There has been very little evidence for optimism up to this time, but I think we are working very hard and the dialog is going forward.

Mr. PAYNE. On the whole question of Rwanda, you know, there was a real request for an international tribunal to conduct the trials on the genocide, that the new government wanted it to be done by an international body so that it would show that it was trying to do as impartial a job as possible. Up to date, there seemed to be a lack of support for the independent judicial system to move into Rwanda to start trials on the question of genocide. Could you tell us where that stands at the present time?

Mr. SHATTUCK. I would be very happy to, Mr. Payne. This is the issue that I personally worked hardest on and in many ways am proudest of with regard to the work of the administration, especially since there has been a series of events resulting in the genocidal killings of as many as 500,000 members of the Tutsi minority in Rwanda.

Beginning at the end of last April and May when I made a Presidential mission to Rwanda and the region, to look at the horrors that had occurred there and to present the President with recommendations on what kind of response in the field of justice would be appropriate, the United States has actively and aggressively advocated the creation of an international tribunal to address the killings and to bring justice, which is the only way that reconciliation can ultimately occur.

In May, we were instrumental in assembling a special session of the U.N. Human Rights Commission in Geneva which created a special commission to address the issue of genocide and to look at the kind of mechanism that would be needed to be created.

That commission reported in September, and very rapidly we and other governments worked to get the U.N. Security Council to create an international tribunal for Rwanda in October. It was brought into general collaboration with the War Crimes Tribunal that we had already set up for the former Yugoslavia, and under the very distinguished former South African Justice Richard Goldstone who is the chief prosecutor of the Yugoslav Tribunal and is now also the chief prosecutor of the Rwanda Tribunal. Justice Goldstone has named an assistant prosecutor and a large number of deputies for the Rwanda Tribunal.

He has traveled twice to Rwanda and he is opening an office, a prosecutorial office, in Kighali. We expected in the next month or two as many as 150 personnel to be assembled to do investigative and prosecutorial work on the ground in Kighali, Rwanda.

Ms. ROS-LEHTINEN. Mr. Secretary, the Judge is going to be here on Friday. I know that some of us have a meeting with him and look forward to working with him. I will make sure that you have that information.

Mr. SHATTUCK. Just a couple of more sentences on this. The United States has also contributed funds and personnel directly to

the tribunal and, in fact, we are the principal contributor to date. We have also established a group, an operational support group for Rwanda, of about 15 other countries, and are soliciting funds through that mechanism to the tribunal.

Assistant Secretary Phyllis Oakley was just in Kigali and had meetings with the Government of Rwanda and was able to bring them up to date on the work of the tribunal.

At the same time we are providing bilateral assistance directly along with other governments, to Rwanda to help them rebuild their own justice system so that these issues can be addressed through that system. This is a very high priority for the United States and I appreciate the interest of the subcommittee.

Mr. PAYNE. Thank you, and I will yield back. It is just that I wanted to say that Rwandans really would feel that the tribunal should be held in Africa. It is going to be held in Europe as you know, or planned there, and it seemed that it would really be a very good symbol that justice would prevail, but really in the area where it happened. Also, the money in the pipeline has not really gotten to Rwanda to start to build its own judicial system, so if somebody could look at where that is in the pipeline and pump it out.

Thank you very much, Madam. Chair.

Mr. SHATTUCK. Just one more thing. On the subject of the site of the tribunal, the decision has been made to open a very large prosecutorial office in Kigali based on this kind of information.

We agree that having a demonstration of justice at work in Rwanda in the field, on the ground, is critically important here.

Ms. ROS-LEHTINEN. Thank you.

Mr. Secretary, the promotion of democracy and respect for human rights has been elevated in previous years, previous decades to the level of a major U.S. policy objective. I agree with that elevation, however, there are many critics who believe that the United States is meddling with the internal decisions of other countries and that we should not impose or seek to impose our system of government or our system of beliefs on others.

What is the consensus, if there is such, in the African countries about this policy initiative of the United States? Do they share our concerns for democracy or human rights or do they believe that it is best left up to them and their neighboring countries?

Mr. SHATTUCK. I think Africa is perhaps the region of the world that most closely shares our commitment, although I would add Latin America as well to this very important set of issues. But in saying that, let me make it clear that we and all African governments with whom I have spoken share the view that these are truly universal values. The universal declaration of human rights adopted 50 years ago is not a set of U.S. values. These are indeed basic international standards. No person should be tortured by his or her government. No person should be prevented from speaking or freely associating with others. And I think these values have taken on tremendous currency in the world in the end of the 20th century, particularly at the end of the cold war.

The World Conference on Human Rights in 1993 very strongly reaffirmed the importance of these values. I think in the African context in particular there has been, as I said at the outset of my

statement, I think a tremendous disenchantment with the strong central government mechanisms that produced failed economies and violated human rights over a significant period of time. And the Africa democracy movement which has resulted in the creation of 15 new democracies in the last 5 years, starting from 5, now up to 20, I think, is a reflection of the great interest that the people of Africa have in this. And even if governments may disagree, sometimes, with some of these policy initiatives, and they do not generally in the governments that are democratizing in Africa, the people of Africa are very strong supporters of this.

Ms. ROS-LEHTINEN. Thank you. In the interest of time, Mr. Secretary, although I have some more questions, I will just give them to you and we will chat about them. But I think that we will move on to our second panel at this time.

Mr. SHATTUCK. Thank you.

Ms. ROS-LEHTINEN. Thank you so much always for the opportunity to discuss this very important topic, respect for human rights, with you. Thank you.

Mr. SHATTUCK. Thank you very much.

Ms. ROS-LEHTINEN. Now I would like to introduce our distinguished panel for the second portion of this hearing and once they have all testified, we will proceed with questions.

First, we will hear—and I apologize that I am probably going to do a very bad job on your names, but with my kind of name, I do not get too testy about people mispronouncing it. Mr. Thomas Lansner. Mr. Lansner is a consultant and analyst in the New York office of Freedom House where he is also a contributing editor to "Freedom Review." He is also an adjunct professor of international affairs at Columbia University School of International and Public Affairs. He was a U.N. election observer in South Africa last year and has served as an advisor on human rights and democratic issues to the opposition in various countries. He resided in Africa from 1977 to 1982 and covered a variety of human rights and conflict issues during his tenure as a newspaper and radio correspondent.

Ms. Holly Burkhalter is the Washington director of Human Rights Watch which encompasses Helsinki Watch, America's Watch, Asia Watch, and Middle East Watch. She is a veteran of Capitol Hill, having worked for the House Foreign Affairs Subcommittee on Human Rights and International Organizations and as a legislative assistant to then Congressman Tom Harkin. Ms. Burkhalter has written and coauthored numerous publications focusing on human rights and humanitarian issues.

The third member of the panel is Mr. Adotei Akwei. Mr. Akwei is currently the governmental program officer for Africa with Amnesty International. Prior to joining Amnesty International, he served as the African program director for the Lawyer's Committee for Human Rights in New York, and the Africa Fund as director of Research and Human Rights.

Last, we have Mr. Patrick O'Farrell. Mr. O'Farrell is the executive director of the African-American Labor Center of the AFL-CIO and has served in this capacity since 1973. Prior to his current appointment, he has served as deputy executive director and as the center's representative in Ghana. Mr. O'Farrell has been a member

of the U.S. Workers Delegation to the United Nations International Labor Organization since 1968. Furthermore, during his tenure at the center, he has represented the AFL-CIO as an official observer at elections held throughout the African continent. Thank you, all of you, for being here today.

Mr. Lansner.

STATEMENT OF THOMAS R. LANSNER, CONSULTANT AND ANALYST, FREEDOM HOUSE

Mr. LANSNER. Thanks. I am substituting for Dr. Joseph Ryan who has come down with a long deferred case of chicken pox.

Ms. ROS-LEHTINEN. Well, we appreciate him not sharing that with us. We do look forward to sharing your insight, though.

Mr. LANSNER. So I am pitch-hitting but I hope I will not be considered a substitute player at this point.

Ms. ROS-LEHTINEN. Mr. Lansner, you will excuse me and I will leave the subcommittee in the very able hands of the gentleman from Arizona, Mr. Salmon.

Mr. SALMON. Thank you, Madam Chair.

Ms. ROS-LEHTINEN. I will be back.

Mr. LANSNER. A threshold problem facing protection of human rights in many African countries is weakness of democratic systems and the rule of law. In this context human rights violations are most common and, certainly, their promotion is most problematical. Working to prevent specific human rights abuse is a crucial task and I am sure will be addressed by my colleagues on the panel. But good governance must also be addressed as a foundation for long-term improvement in respect for human rights.

Rwanda's bloody tragedy underlines this point. The genocidal assault on the Tutsi minority was no spontaneous explosion of ethnic fury. Long lists were drawn and mountains of machetes imported in preparation for the blood-letting that began last April 7. Among the very first targets were moderate Hutu leaders willing to share power with the Tutsi minority. The "winner-keep-all-forever" mentality of Hutu extremists made compromise for them unthinkable.

On the other hand, South Africa's Government of national unity is today helping promote rights and broad acceptance of their elected government. This is a compelling necessity in societies sharply divided on markers such as race, ethnicity or language, as is common in Africa. The rule of law, with an independent judiciary enforcing constitutional and legal rights reassures all citizens that an elected government even when dominated by a different group will not be able to trample their rights or block their opportunities.

Secretary Shattuck mentioned a number of recent electoral successes, but does this mean that the democratic wave is irresistible? Perhaps not so quickly. The July coup in Gambia ended that country's long democratic tradition. In response, the United States has rightly suspended bilateral assistance.

In Nigeria, too, the generals refused to go back to barracks. The winner of the 1993 Presidential election, Mashod Abiola, remains in prison. Suppression of the press and trade unions has helped keep a lid on dissent.

Military terror has also struck the Ogoni people, who inhabit Nigeria's richest oil-producing region and are demanding a share of

the vast wealth produced from their land. Today, leading Ogoni spokesman and human rights advocate Ken Saro-Wiwa is on trial for what most observers believe are false charges of murder. If the "justice" he receives is similar to what Nigeria's military dictators are serving the rest of their people, his fate could be very grim indeed.

A Nigerian NGO, the Constitutional Rights Project, reported on Sunday that more than 120 people were killed by security forces last year. The report adds that over 500 people were arbitrarily arrested and at least 30 journalists assaulted.

Yet, even now, most despotic leaders seek legitimacy by holding elections, but the polls they organize often offer only the trappings rather than the substance of genuine elections—What an experienced NGO electoral consultant here in Washington calls, "charitably, D+ elections."

A year ago this week, Gabon's President Omar Bongo unleashed his Presidential Guard to destroy the country's only remaining independent radio station and to suppress protests against his proclaimed December 1993 reelection. The victor in another such 1993 contest, Kenyan President Daniel arap Moi, is further tightening his grip on power by arresting journalists and harassing political opponents.

President Moi's efforts to muzzle free expression continued last week with an edict ordering the arrest of anyone who criticizes the president.

The linkage between accountable governance, the rule of law and human rights is clearer in this context. National security is mistaken as security for whoever is controlling the nation. And the rule of law is too often no more than the law of the ruler. President Moi applies this axiom broadly. On Monday, it was reported in Kenya that the Nairobi-based Center for Legal Research has been banned for reporting rampant corruption in his regime.

National Security Advisor Anthony Lake recently said that experience shows that when leaders decide to put the future of their peoples ahead of their immediate ambitions, and use democracy to settle their differences, things can improve.

I can certainly endorse Mr. Lake's statement. And I am sure that he would agree that this is not a call for America or any other power to simply impose Western values in Africa. Respect for basic human rights and better living conditions are desired no less by Africans than Americans.

Two weeks ago, more than 500 African political and civic leaders urged donor nations to cut off funds to African dictatorships and call for free elections in such nations within 2 years.

America should heed this call and should lead the world in taking appropriate political and economic action to encourage African strongmen to open their political systems and honor their peoples' right to free and fair elections.

Condemning electoral theft is a first step. Section 508 of the Foreign Assistance Act already automatically cuts aid to coup makers who overthrow democratic governments. This law should be broadened to require certification of elections as free and fair as a prerequisite for U.S. aid.

Further, loans from the World Bank, IMF and other IFI's must not merely prop undemocratic regimes. Section 701 of the International Financial Assistance Act of 1977 instructs the executive to employ America's "voice and vote" in IFI's to channel aid to countries not violating human rights. Similar legislation should favor funding for countries that conduct genuine elections.

America must also actively encourage its allies, particularly France, to accept African movement toward democratization. Large-scale French arms sales to a repressive Rwandan regime over several years left that country awash in guns and blood. French economic and military support for autocratic regimes, which sustains immensely profitable commercial relations in what France considers its privileged sphere of influence is damaging prospects for democratization in several countries.

The United States should make amply clear that French backing for autocrats is unwelcome. Further, unflinching political support and material aid for honest leaders and honest elections even in francophone countries should be willingly supplied.

The United States can certainly provide the technical expertise needed to conduct clean elections, including help in revising electoral codes and setting up proper mechanisms to count and monitor results. Voter education and training is also crucial in countries with little experience of political debate.

Importantly, the United States must work to ensure the level playing field of freedom of expression and association exists well before votes are cast. This was an essential pre-condition in the South Africa's election. A free media and unhindered rights to form parties and other nonviolent political groupings are keystone for the civil society that is in turn the bedrock of a democratic system.

Several American NGO's possess the skills and experience to promote proper elections. The International Foundation for Electoral Systems, the National Democratic Institute for International Affairs, and the International Republican Institute each have extensive experience in Africa and elsewhere. These groups should be offered greater funding to expand their activities in Africa. Through the National Endowment for Democracy, USAID, and the USIA, the U.S. Government should promote grassroots pro-democratization educational programs that work to help establish a strong civil society.

This assistance should be increasingly geared to promoting and working with African NGO's, as has been suggested by Assistant Secretary Shattuck. These investments will pay off, in the long run, helping to produce sustainable systems of accountable governance, which will in turn be far better at promoting both human rights and economic development.

The elections that took place in several African countries in 1994 and are scheduled elsewhere in 1995, could be important stepping stones in this direction. Targeted U.S. aid that promotes human rights and democratization even if deemed "down a rat hole" in some quarters or "peanuts" in other quarters can have real and very positive effect.

Today, dictatorship should be rejected as vehemently and universally as was apartheid. Respect for human rights should remain a key consideration in America's relations with African governments

and peoples. Only responsible, freely chosen governments are likely to provide lasting protection and promotion of human rights under the rule of law. Elections not only make the realization of these rights more likely, but proper electoral processes are already an exercise in their implementation. Thank you.

[The prepared statement of Mr. Lansner appears in the appendix.]

Mr. SALMON. Thank you.

We have been joined by Congressman Frazer of the committee. Ms. Burkhalter.

STATEMENT OF HOLLY BURKHALTER, ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH

Ms. BURKHALTER. Thank you very much, Mr. Chairman. I am sorry that Chairwoman Ros-Lehtinen is gone because I wanted very much to thank her for making the subject of human rights the topic of her first hearing, I believe, and to thank her as well for her long-time support for human rights and for the interest of her staff who have already made my staff very welcome and have shown a great interest in human rights. We are very grateful, indeed.

I would like to start by saying, in addition to thanking the new chair by saying how happy I am that some old friends remained on the subcommittee. It is a very important subcommittee, has played a leading role in the past and I am sure will continue to do so in terms of focusing the American's Government attention on very important human rights problems on a continent that we all care very much about.

There is so much to say about human rights in Africa that in the interest of time, I think I will organize my remarks around the issue of ethnic conflict and the antecedents and early warnings of ethnic conflict on the continent of Africa. It is important to note though that ethnic conflict is not the domain exclusively of Africans as we can certainly see in Central Europe right now. And then I want to talk a little bit about ways to respond to it.

Some in the United States and elsewhere in the international community like to promote the fiction that ethnic conflict is inevitable in Africa, that it is sort of a typical African thing, that tribal differences inevitably separate Africans one from another and inevitably lead to the kind of bloodshed we saw most dramatically in Rwanda. Of course, all of us here know that nothing could be further from the case. It is not just Africans doing that African thing at all. This garbage about historic life-long blood hatreds between Hutu versus Tutsi or between Moslem versus Serb is equally ridiculous and should be put aside.

In fact, governments and in some cases rebel groups manipulate ethnic differences and have done a great deal to sow the seeds of discord. Perhaps no two issues are more responsible for creating ethnic conflict than these two: First, when governments eliminate the opportunity for its citizens to participate in the political process. When avenues of participation such as freedom of association, the opportunity to form a labor union, the opportunity to associate with others of your fellows and very importantly, the opportunity to create opposition political parties are denied the citizens of a

state, it is not surprising that they take refuge in other forms of group identification, commonly their ethnicity.

Second, when governments do not prosecute those responsible from all ethnic groups responsible for gross abuses of human rights, when atrocities are permitted to stand, it is not surprising that when no single individual is held responsible, members of an ethnic group will hold all members of a competing ethnic group responsible for the losses that they and their families have suffered. This cycle of mass retribution was what you saw in Burundi in 1993.

When the Burundian Hutu saw no Tutsi prosecuted for the execution of their freely elected Hutu majority elected President, then a spurt of violence occurred as Hutu took retribution on any Tutsi who crossed their path. To me, the issue of accountability for gross abuses of human rights is the key to breaking the cycle of ethnic violence that has plagued many countries in Africa.

Other indicators that early warners of ethnic and human rights disasters to come might be seen in arms flows. And I guess the Rwanda example is the most vivid demonstration of this as my colleague from Freedom House said so eloquently. Something to watch before these disasters get out of hand are the flow of armaments into a situation that are used by unscrupulous politicians to arm civilian supporters to foment ethnic disaster and to put the instruments of human rights abuses right into the hands of those that will use it on ethnic grounds. And arms flows are by no means limited to central Africa. I might add in this regard that the Government of Angola and the opposition party of Angola are armed to the teeth virtually assuring that the war will continue despite the best efforts of international interlocutors.

I might add in this regard that the Government of Angola is the largest arms purchaser on the continent of sub-Saharan Africa and has mortgaged Angola's future by making some \$3.2 billion worth of arms purchases against future revenues from their oil revenues some 5 years down the road which condemns Angola to penury in the future, keeps the war going and I might add that those armaments are being used indiscriminantly.

The UNITA, for its part, imports arms, violating an arms embargo that has been imposed against it, largely busting those sanctions through Zaire, trading on the diamond revenues that UNITA controls. This enables UNITA to keep fighting to the bitter end, perhaps until every last Angolan man, woman, and child is either maimed or dead.

Third, the use of extremist rhetoric by political parties and their supporters against members of another ethnic group is a real early warning sign. We saw this very, very vividly in Rwanda where the most extremist Hutu political parties. The CDR and the MRND took to the airwaves a year before the genocide and broadcast the most vile and scurrilous attacks on the Tutsi minority and on Hutu moderate and progressive opposition political people who dared to associate with a moderate and a tolerant view they were condemned by name and those people were just picked off quite methodically from lists compiled perhaps from those that listened to the radio broadcasts. But this phenomenon is not limited to Rwan-

da. Burundi suffers from this kind of hate broadcasting, some of it broadcast from Zaire, some of it broadcast within Burundi, itself.

I would love it if techno wizards abroad could find some way to jam those radios because there is almost nothing that can be singled out as something that creates more fear and loathing and hatred and eventually death than those radio broadcasts. Nigeria, I have been told is also starting to experience this kind of broadcasting, although I do not have the details on that.

You can see, and I will just give a few examples in the interest of time, the role of government, itself, in fomenting these kinds of ethnic tensions. Look at Kenya, for example, where President Moi who was bound and determined to prove to the international community that had been putting pressure on him to permit multiparties to organize and associate that they were wrong. He has been very eager to show that the creation of multiple political parties is going to lead to ethnic conflict in Kenya and if it does not, he is bound to create it himself. And as you remember in 1993, especially, Moi's political party, the KANU and its youth wing militia went on a rampage in the Rift River Valley against ethnic groups associated with the opposition. They killed about 1,500 people, dislocated one-third of a million people. That is a lot of human beings who lost their livelihood, lost their homes, many lost their lives. And it was strictly the government with their Kalenjin and Maasai supporters going after the Kikuyu and the Luo and disrupting and infuriating and humiliating and horrifying communities that had lived side-by-side very peaceably for many generations, playing on old historic fears but whipping them up into something very real through the use of targeted executions, mass dislocation from homes, et cetera.

In Nigeria, which I will not dwell on because my fellow panelists have done such an excellent job on it, but you have similarly the creation of ethnic strife. Look at the scapegoating of Ogoni leader Ken Saro-Wiwa, a human rights activist and a novelist who is on trial for his life and the attacks on, not only the Ogonis, but other ethnic groups. And there is nothing that will lead to the destruction and the devastation of Nigeria quicker than precise and methodical government policies to scapegoat and target rival ethnic groups or perceived rival ethnic groups.

Burundi, there is every reason to heed the early warnings. I would like to single out Burundi as an area where the United States Government, I think learning from some of its mistakes in the Rwanda disaster, has been very involved and very active. We have a superb Ambassador in Burundi who has taken to the Burundi airwaves himself to be very precise and very strong in warning the Burundian authorities and others that the ethnics killings that are increasing in Burundi. This time it is the Tutsi minority which control the army and the police who are going after individual Hutu and those killings are rising and the response of the Hutu majority is going to be predictable. And I think Ambassador Robert Krueger in Burundi has done an excellent job. But, again, the same early warning signs that you saw in Rwanda are very much flourishing in Burundi. The radio broadcasts, the arming of the militia, the weapons pouring into the country, the targeted

killings that go completely unpunished I think are a sign of trouble to come. And most of all, again, the issue of total impunity.

In the midst of such bad news and I have not even dwelled on many of the other countries that occupy my organization's attention and by not mentioning in detail Ethiopia, Sudan, Somalia, and many of the other trouble spots on the continent, I do not mean to suggest a lack of interest. Rather I singled out a few countries and will be glad to take questions on all those countries.

This record of pessimism should not in any way negate the optimistic news from the continent. And in addition to the optimism of Secretary Shattuck, I think it is very important to mention the growth and the increasing maturity and sophistication of African human rights organizations. These are our brothers and sisters and the people we are most interested in protecting and supporting, and they have, over overwhelming obstacles, created a movement that will not be quenched.

To deal in this new human rights environment where more sophisticated human rights policies are required, our Government needs to look at limits on arms sales, our own and others. In Angola, for example, there must be an arms embargo, not just against UNITA but against the Angolan Government itself. One of our key recommendations is that we must suppress the flow of arms coming from our country to warring parties and we must urge our allies to do the same.

There needs to be donor pressure which I think the United States is doing much more with. We need to involve our allies and the World Bank at donor meetings to have a coordinated policy to really pinch off the aid to the abusive governments, and redirect that aid to NGO's if possible or to humanitarian organizations.

We need to engage in denunciation of human rights abuses loudly and critically as Ambassador Krueger has done in Burundi, for example, and we need to most especially be pressing on this issue of impunity.

Finally, in closing I would like to say just a word about an issue that is very dear to my heart, particularly since Donald Payne brought up the issue of kids. There is an issue that is not just limited to Africa but is certainly a concern in some of the civil wars in Africa and that is the use of child soldiers. There is no country that better demonstrates the horror of kid soldiers than Liberia where there are even units called SBU's, Small Boy Units, where kids as young as 6 and 7 are wandering around with guns bigger than they are.

And speaking from a small personal experience, I went to Cote D'Ivoire in 1990 to take testimony from Liberian refugees who were victims of the civil war and victims of human rights abuses. And some of the most ghastly and horrifying reports I heard were those abuses that had been committed by children, themselves, many of whom had witnessed the slaughter of their parents and were completely and totally amoral and out of control and were engaged in the most horrendous abuses and they continue to be.

This problem of child soldiers generally tends to be something that rebel groups and insurgent groups tend to get involved with, but governments have also recruited kids and used kids at a very, very young age. It creates not only vile abuses against the children

themselves, who are abused and are themselves forced to commit abuses. It also creates a human rights problem for the future because the kids have had no socialization other than military socialization and have themselves become psychologically traumatized because of the things they have witnessed and they have done. Reintegrating those children back into society once conflicts are over is an enormous problem and an enormous human rights problem. And I am trying to create a little congressional campaign on the issue and I would love the help and assistance of all those that are interested.

Finally, I would like to thank the staff at Human Rights Watch who helped prepare my testimony to Tuhin Roy and Janet Fleischman. Thank you very much.

[The prepared statement of Ms. Burkhalter appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much.

Mr. Akwei.

STATEMENT OF ADOTEI AKWEI, GOVERNMENT PROGRAM OFFICER FOR AFRICA, AMNESTY INTERNATIONAL USA

Mr. AKWEI. Thank you. Chairperson Lehtinen, new members of the subcommittee and also returning members, I would like to congratulate you all on holding this hearing.

Ms. ROS-LEHTINEN. Thank you.

Mr. AKWEI. And I join Holly in expressing Amnesty's great joy that this is covering human rights as your first topic.

What we would like to do very briefly is first highlight some trends and patterns of actions which affected fundamental human rights in Africa in 1994 and which will face the continent in 1995 as well as highlight key African countries entering critical phases in terms of how successfully or unsuccessfully they have been in protecting and promoting human rights.

We would also in this category address progress on protecting human rights which can be furthered and consolidated, countries where crises can be still avoided and also trying to contain crises that are already in full steam.

I think 1994 definitely was a year of extremes for Africa. On the one hand we had South Africa ending the apartheid regime. We also had the end of the civil war in Mozambique and we also had the first free elections in Malawi. Also unnoticed for the most part by the international media were countries like Botswana and Namibia which continued a fairly laudable record in terms of respecting human rights. Others, such as Ghana, Cote D'Ivoire, and Benin also continued their progress despite occasional backsliding which correctly drew the attention of national and international rights groups.

On the other side, there were, of course, the full-blown crises, the Liberia, Sierra Leone, Angola, Sudan, and of course Burundi, Rwanda, and Somalia that occupied most of our attention. In all of these cases, the respect and protection of fundamental human rights was at best questionable and at worst resulted in the most rapid genocide in history with the slaughter of a staggering 1 million people in Rwanda between April and July.

Despite the chance of lasting peace finally coming to Angola or the fact that Liberia may finally emerge from an endlessly splintering internal conflict as a result of new initiatives by the Economic Community of West African States, there is no real guarantee that these situations will then make protection of human rights a priority.

Also worthy of warning are the countries like Cameroon, Ethiopia, Kenya, Nigeria, and Togo. Amnesty International does not differentiate countries based on classes of acceptability vis-a-vis human rights violations. However, countries do differ by the virtue of the scale of conflict and the fact that there continue to be governments responsible for the stability of their countries and the well being of their people. These are the governments who, with pressure and encouragement from the international community, can and must act to prevent the descent into total crisis.

Among the trends that we would like to identify are the government manipulation of ethnic tensions, the criminalization of civil society and human rights work, human rights violations perpetrated by nongovernmental entities and declining economic conditions and their effect on human rights violations.

As most of the panel and Assistant Secretary of State Shattuck, ethnic tensions are not the sole purview of Africa. They have been also visible in Europe and from time to time you have had civil disturbances even here in the United States. It is not the question of ethnicity that is the issue. The critical difference is often the role played by government in preventing, limiting, or ending the violence.

In Africa, the role played by governments has usually failed to limit or prevent ethnic tensions from escalating and all too often has usually inflamed such situations. In Rwanda, the genocide was organized by the government formed of the Hutus-based organizations. This government allowed relentless radio broadcasting to incite hatred and violence. The Rwandan security forces and members of Interahamwe, the armed Hutu militia directly incited or coerced members of the general public into massacring Tutsis and moderate Hutus irrespective of the fact that those they were killing had been their neighbors for years.

In Sudan, the military regime headed by Gen. Omar Bashir has pursued a violent campaign to impose a fundamentalist interpretation of Islamic rule throughout the country. In pursuit of that goal, they have regularly armed and encouraged members of the Hawazma, Rizieqat and Misseryia ethnic groups to attack and raid Nuba and Dinka villages.

In Kenya, as Ms. Burkhalter said, the government of Daniel rap Moi has incited Maasaei and Kalenjin groups into attacking homes and villages in the Rift Valley area. The fact that this government has severely restricted access to the region by many international and local Kenyan human rights groups has only added to the government's guilt in the crisis.

Another disturbing trend has been the criminalization of civil society and human rights work. Even as governments in Africa continue to resort to the manipulation of ethnic tensions, others have moved to more sophisticated techniques to achieve the same goals through their judicial systems, thereby, giving their actions a ve-

neer of legality. The criminalization of civil society and any voices that challenge government policies have been refined as a method of harassment.

As part of a 6-month global campaign on the Sudan, Amnesty International, for example, is seeking to highlight the fact that the government has introduced a penal code in 1991 based on a fundamentalist interpretation of shari'a law which allows for public flogging and amputation. This violates Sudan's commitment to both the African Charter on Human and Peoples Rights as well as the international Covenant on Civil and Political Rights. It has also helped create an atmosphere of fear and intimidation in which the government has arrested critics, banned papers, and disbanded human rights organizations replacing them with government created entities.

In Nigeria, the military regime of Gen. Sani Abacha has gone the extra mile in attempting to create legal backing for his actions. This has included the production of decrees removing habeas corpus, Decree 14, the negation of the judiciary's ability to look into any action undertaken by the government, Decree 11, the official disbanding of democratically elected executives of Nigeria's trade unions, Decree 12, and also the banning of key newspapers and publications such as the Punch, Concord, and Guardian media groups.

The regime routinely flouts the few remaining court rulings and aspects of due process. This has meant regular arrests and periods of detention for newspaper journalists, lawyers, and students as well as human rights activists. Dr. Beko Ransom-Kuti, Mr. Femi Falana, and Kenule Saro-Wiwa just being a few examples.

Mr. Saro-Wiwa's case is quite extraordinary. He is the founder of the Movement for the Survival of the Ogoni People, a minority group in the Niger delta. It has been leading a nonviolent campaign against environmental degradation as well as for just equitable revenues. Mr. Saro-Wiwa was arrested in May but was only charged in December.

In Kenya, similar delaying tactics have been employed where criminal charges based on questionable evidence and enacted through a judiciary subject to significant control by the President has resulted in ruinous financial costs and lengthy costly trials for critics of the government.

Two of the best known cases are the trial of Koigi wa Wamwere and that of well-known lawyer G.B.M. Kariuki, the editor and reporter of "The People" newspaper. In Mr. Wamwere's case, he was arrested for attempted robbery and violence. This charge has been brought against him despite huge gaps in the state's case such as the fact that Mr. Wamwere was in Nairobi at the time of the raid.

In the case of Mr. Kariuki, Mr. Mbugua and Mr. Maigwa, Mr. Kariuki was quoted as saying the government was using a recent court ruling that was subject to political influence. The quote was challenged by the court of appeals and charged with contempt of court. Despite provisions for free speech in the Kenyan constitution, questions as to whether Mr. Kariuki had been misquoted, the court of appeals brought a contempt of court charge against all the men and the newspaper and then proceeded to hear the case itself. The end result was a chilling rebuke on Kenya's free press, crip-

pling financial charges to Mr. Kariuki and the imprisonment of Mr. Makali and Mr. Mbugua.

With such legal practices being employed in Zimbabwe, Zambia, Tanzania, Sudan, Ethiopia and Cote D'Ivoire and even in relatively politically open countries like Ghana and Uganda, it becomes clear that the manner in which the international community evaluates the progress of societies which support human rights will have to become even more adroit and comprehensive. A more comprehensive approach such as this would also be beneficial for monitoring the process of democratization in various countries. Furthermore, it would transform the criteria for measuring success from simply the holding of elections.

Such an approach would give solid reinforcement to human rights activists, the people that we do not hear about, the Henry Kayondos of Uganda, Sammy Woods of Liberia, the Guillaume Ngefa Atondokos of Zaire, Ms. Pricilla Kuye in Nigeria, and Wangare Mathai and the Monique Mujawamariya of Rwanda.

I would like to move in giving the very short time through some recommendations which Amnesty would like to put before the subcommittee. There are, of course, key countries in Africa which we would recommend the committee focus on. And these can be broken into areas of consolidating successes or preventing disasters.

Obviously, South Africa would be a prime example of consolidating success. The real potential for South Africa is the stature of President Mandela and the fact that there was a peaceful transition to democracy. This makes for an irresistible call to joint action. The potential impact of such a joint effort with the United States to spread the word, to use by example the South African transition would be a wonderful boost toward promoting human rights and the rule of law.

Another critical issue would be dealing with South Africa's past and helping in that process. The efforts and success of the work of the Truth Commission will form an essential foundation if the peace in South Africa is to prove durable. Here, too, the involvement of the international community in helping consolidate the goals of the antiapartheid struggle, to educate and empower the South African people about the roles and responsibilities of governments and individuals will ultimately be the real litmus test of success and failure.

In Malawi, the campaign there has resulted in free elections. The educational aspect of it has only just begun. The international community could provide a critical role in helping and assisting in that educational process.

Ghana continues in its progress toward building a multiparty democracy. If the accompanying development of independent impartial institutions to protect fundamental rights lags behind raising questions as to the possibility that free and fair conditions for the 1996 election could be compromised.

With the international community already heavily involved in the country's economic reform, similar influence and encouragement could play a substantial role in avoiding that.

In terms of preventing crises, the obvious country which has been dealt with by my colleague from Freedom House is obviously Nigeria. Nigeria's significance goes beyond having the largest popu-

lation in Africa at over 100 million. It is a key regional player and is currently funding and running an ECCOMAG peacekeeping operation in Liberia. The country was also a leading shaper of the international effort to end apartheid. With growing unrest, worsening economic conditions and ethnic tensions rising in the North as well as the South, the question is how to prevent Nigeria from exploding. Both Nigeria's size and symbolism demand engagement of top United States officials in the United States. Unprecedented public pressure must be brought on the government to live up to its obligations and promises of moving the country back to the path of elected accountable government. The supremacy of the rule of law must be reestablished and enforced by bringing those guilty of human rights violations to justice. Deadlines must be set and levers of pressure must be used now. A failure to act in a timely manner helped contribute to the debacle in Rwanda last year. Making the same mistake with Nigeria could potentially be an even bigger disaster.

Kenya, long considered a key country in terms of United States security interests is also on the verge of internal crisis. The government's record in dealing with the events in the Rift Valley, its outright harassment of the media and opposition politicians and human rights activists has exposed Kenya's drift into violence and possible instability. The Moi government must be confronted directly and in no uncertain terms that its efforts to hide its acts of repressions behind legal provisions are in conflict with its obligations to international conventions and also to protecting the rights of the Kenyan people.

Given Africa's potential both for crisis and for positive development, Amnesty International USA feels that it is time for a thoughtful aggressive policy to be implemented involving both the White House, the State Department and Congress. The leadership role the President could play in crisis prevention and consolidating the protection of human rights are many. The President could cohost a conference with President Mandela on human rights, on issues affecting the continent. He could also take a clear stance on the growing crisis in Nigeria and Kenya as opposed to the quiet diplomatic approach which has left both countries so close to violent upheaval.

Secretary of State Christopher must discover the continent. With the potential for peace rising in Angola, a visit there would show both the Angolan Government and UNITA that there can be no return to war. A similar situation exists in Liberia where such a visit would not only reinforce the message to all factions that they had better get on the ball, but could also have the spill-over effects in Sierra Leone which is equally destabilized.

The role to be played by Congress is equally critical. As Members of Congress could meet with a broader spectrum of people and convey the message to the key actors and to the common people in Africa that people in the United States care.

The AIUSA hopes that the same energy the subcommittee chair brought to her work defending the rights in Cuba will benefit Africa. Members of the subcommittee should visit countries like Kenya and engage Members of Parliament and leaders in Kenya's beleaguered civil society. Indeed, a briefing with leading human rights

activists from several different countries would offer Members of Congress an enlightening viewpoint. We would also encourage the Chair and members of the subcommittee to attend a session of the African Commission for Human and Peoples Rights. It is high time that Africa's leaders be engaged on their own ground in front of their own people.

We have made other recommendations in the testimony, and I think I will end there.

[The prepared statement of Mr. Akwei appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you very much.

Mr. O'Farrell.

**STATEMENT OF PATRICK J. O'FARRELL, EXECUTIVE
DIRECTOR, THE AFRICAN-AMERICAN LABOR CENTER**

Mr. O'FARRELL. Thank you very much, Madam Chairperson. Being the last of this distinguished gathering this morning—it is not the first time I have been last—always reminds me of a comment that one of your colleagues once made, that everything that needs to be said on this subject has already been said, but not by me. [Laughter.]

Mr. O'FARRELL. The AFL-CIO thanks you for inviting us to attend this session, we place great importance in it and welcome the opportunity to present our views to you on human rights and trade union rights in Africa.

The African-American Labor Center is one of four international institutes of the AFL-CIO which is dedicated to the promotion of democracy and the development of independent trade unionism, one of the fundamental of all of the human rights. The AALC has been conducting AFL-CIO programs on the continent of Africa since 1964. Today we have regional representatives in 7 countries who work with over 300 trade union organizations in 35 countries around the continent.

Within this framework, the AALC is in a unique position to support the millions of workers who have been at the forefront of grassroots movements for democratic reform and in defense of trade union and human rights.

Madam Chairperson, the message that I wish to deliver is simple and direct. Protecting the rights of workers and trade unions in Africa is critical to the promotion of freedom of association, democracy, good governance, and economic development on the continent and by extension in the United States.

Trade unions are one of the few grassroots organizations that survived the brutality and systematic destruction of civil society in the post-independence period in Africa. Their ability to organize numbers of workers, to call strikes and to affect major industries and governments has given them credibility and strength unrivaled by other indigenous organizations. They have, therefore, become a major threat to many of the governments of Africa.

In recent years they have used their power effectively to mobilize democratic forces against military dictatorships and despotic governments. As organized workers have succeeded in advancing democracy and in preserving their own right to form unions without government interference, to organize and bargain collectively with their employers, they have created a climate supportive of the

rights of all citizens regardless of race, religion, ethnic origin, and/or gender.

In 1989 when the new winds of democracy began to blow across Africa, trade unions were there leading what has been called the second democratic revolution. In one country after another, Benin, Mali, Niger, Zambia, and South Africa, trade unions were at the forefront of movements that within a few years transformed the political landscape of the continent.

In South Africa, the Congress of South African Trade Unions and the National Congress of Trade Unions organized over 1.5 million workers who relentlessly pressed the white minority government to negotiate an end to apartheid and to hold multiracial elections that were open to all of the citizens of the country.

As the South African Government of National Unity prepares to celebrate its first anniversary, one could ask where South Africa would be today if black workers had not won limited rights to organize and form unions in 1979.

Although there have been examples of success for trade unions and other democratic forces since 1989 many African leaders that survived multiparty elections are now ruling the same way they ruled during the single-party governments. Kenya, which has been spoken of often today by the previous panelists is a classic case in point. Several countries are at a crossroads in this respect in addition to Kenya. Nigeria, which has been mentioned often here, is a glaring example of direct attacks against pro-democracy forces when a military government goes beyond the arrest and detention of political and human rights activists by arresting trade union leaders, seizing their headquarters, dissolving their national executive committees which were elected by the workers and doing all this by decree of a government which has never faced any kind of an election. The government's actions were in response to activities of two Nigerian oil workers' unions which went on strike to protest the economic situation in the oil industry, the corruption in that industry and to object to the military regime's annulment of the results of the democratic elections held in June 1993.

During the strike, General Abacha's government used the armed forces to block strike activities arresting and detaining several trade union leaders who were engaged in peaceful protests.

Today, several of those strikers remain in prison without charges being brought against them and the assets of the headquarters of the National Trade Union Center, the Nigerian Labor Congress and the two oil workers' unions are still being held by the army and directed by an administrator appointed by the government.

African trade unions are classrooms for democracy. Unions are where workers, many of them with little or no formal schooling, learn to raise their hands, speak their minds. They learn to organize and to run meetings. They learn to follow the rules of parliamentary procedure and learn how to integrate dissenting views into the objectives and policies of their organizations. They learn systematic nonviolent methods of dispute or conflict resolution and they learn to respect the power of the ballot box as the final arbiter in leadership selection. In all of the elections that have been held so far in Africa, the trade unions have played a leading role in monitoring and in educating the society to participate in those elec-

tions because they are the only mass movement organizations within those societies that have the experience and have conducted elections on their own and have operated as democratic organizations within undemocratic societies.

Despite enormous obstacles, indigenous African unions use their limited resources to organize and unify workers across ethnic, geographic, religious, gender, and tribal lines. They hold reasonably fair and democratic elections and resolve conflicts with employers and governments through negotiation and compromise. Trade unions bring together diverse groups of workers to defend common principles of fairness, equity and social justice.

Little of the conflict that is seen in other parts of society is seen within the trade union organizations in any of these countries.

The American labor movement wants Africa to succeed. For more than 30 years experts have viewed development as a narrow technical process that could be achieved with more investment and new technologies and a proper mix of labor and capital. They have overlooked the obvious fact that economic development cannot proceed very far in an environment where basic human rights are denied, where investors are crushed by government corruption and excessive bureaucracy and workers are not free to join together for their mutual benefit.

Increasingly, these so-called experts are discovering something that the AFL-CIO has known for a long time. That human rights, democracy, and economic development are inextricably linked and interdependent. A robust civil society made up of independent civic associations, trade unions, business groups, and others is as critical to the development process as labor and capital. These institutions which represent the interests of groups of citizens and the state have the ability to counter the potentially abusive power placed in the hands of misguided government leaders.

Equally important to development are institutions that protect the rights of citizens to form associations, to become informed on the issues, to speak up and to hold their leaders accountable.

In light of developments, I have cited South Africa, Kenya, Nigeria, and in other African countries, it should be evident that trade unions are a major force in Africa's fight for democracy. Trade unions are being consistently targeted by antidemocratic forces because they challenge dictatorships by their commitment to democracy.

Trade unions need moral and financial external support to continue their struggle in this hostile environment. If trade unions do not receive the support they need and democracy is rolled back, Africa will continue its descent into political and economic chaos.

And, lastly, trade unions are a successful counterweight to antidemocratic forces and promote long-term stability, good governance, and economic growth when given sufficient support. In this respect, we are concerned with recent reports that Congress favors reducing foreign assistance especially to Africa. We believe that peace, stability, and prosperity in Africa are in the strategic and economic interests of the United States. Whether we choose to be involved or not, poverty and political instability in Africa are affecting the lives of American citizens through coping with the aftermath famine, civil war, ethnic conflict, through fighting inter-

national terrorism and through losing access to valuable markets and scarce resources.

For those of us who want to tip the balance in favor of democracy and in favor of economic development for all of Africa's people, it is important to understand that the window of opportunity is narrow and may not be open for long. It is the belief of the AFL-CIO that we need to act now taking whatever steps are necessary to help African trade unions continue their fight for a better life for their members and all of their citizens.

One measure that can be taken is to extend international trade rules to provide stronger protection for workers' rights. These rules should be at least as strong as the rules that protect property rights. They should ensure that the working people of developing and developed countries are not forced into cutthroat competition to the detriment of all. A good starting point would be an effective linkage of U.S. trade to international labor organization standards on the freedom of association, the right to organize and bargain collectively, forced labor, child labor, and acceptable conditions of employment.

We share with Congress a concern that foreign assistance be used wisely and widely to advance the interests of American citizens. To this end, we welcome the recent changes in the Agency for International Development which have placed a higher priority on democratization and human rights. This should be bolstered with legislation that strengthens the generalized system of preferences and other trade and foreign investment laws that provide weapons to protect human and trade union rights in all countries that benefit from relations with the United States.

Forces antithetic to American values are still rampant in spite of the end of the cold war. After generations of Americans have touted the advantages of democratic societies and free market systems, one of the worst signals that could be given to African workers and other democratic forces at this time would be the withdrawal or the significant reduction of United States assistance to them in their struggle to preserve their rights against almost overwhelming odds. When we are on the brink of success, now is not the time to walk away.

Thank you, Madam Chair.

[The prepared statement of Mr. O'Farrell appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much. Thank you to all the panelists for your insightful analysis and your helpful suggestions.

I will turn now to my colleague, Mr. Frazer, who has been a long-time advocate of greater respect for human rights. He just returned from a weekend visit to Guantánamo and Haiti where democracy and human rights were certainly at the forefront of the issues discussed.

Mr. Frazer, do you have any questions for the panelists?

Mr. FRAZER. Thank you, Madam Chair.

Yes, I have a question for anyone on the panel. In light of the fact that the Congress is looking at decreasing its expenditures for peacekeeping efforts around the world, what are the organizations doing to solicit other financial assistance from other countries?

Ms. BURKHALTER. Our agenda at Human Rights Watch is limited in terms of peacekeeping, to those situations where peacekeepers play a role, or should play a role, in human rights disasters. During the Rwanda genocide, Human Rights Watch had an extremely vigorous campaign to try to get other nations to not only support the retention of UNAMIR in Rwanda during the genocide, but once it was drawn down, which we think was a very big mistake, we strongly supported the Secretary General's call to have other troops replace them. Also our particular expert on Rwanda and Burundi, Ms. Des Forges, had numerous meetings with Security Council Ambassadors, not only Madam Albright, but her peers from the other Security Council governments. We also visited foreign capitals on this issue including Paris and Brussels. Thank you.

Mr. FRAZER. It is a perception by many Americans, and perhaps a misconception, that too much of the burden of peacekeeping is on the United States. I am just saying that is a fact. Too many Americans believe that human rights organizations look only to the United States to defend human rights in undeveloped and developing countries. My concern is what are the organizations doing to remove that perception and that the United States is not the only country that is being looked at to make sure that people in developing countries, that their human rights are protected.

Mr. AKWEI. One of the campaigns that Amnesty is now conducting is on Sudan. I may have mentioned that briefly. It is a 6-month campaign where we are trying to really educate the general public about the fact that there are human rights violations, but also about the fact that there are Sudanese who are working to change the situation both externally and internal in the country.

I think that one of the campaigns that all human rights activists and organizations have is to educate the general public that Africa is not waiting for salvation from the outside; that there are people in Africa who just need some assistance and help and that they are probably the people on the forefront. We need to ensure that they have accurate information because the continent is not all a pessimistic situation such as Rwanda or Burundi.

Mr. LANSNER. I will just add that one of the important notions of the money that should be allocated and is being allocated for human rights and democratization programs is, in a sense, seed money. It is growing organizations, growing human rights proponents in Africa, and it is preventive diplomacy at its best. It is getting grassroots organizations together that later on will obviate the need for these huge expenditures of peacekeeping. Perhaps the way to look at it is that relatively small American expenditures now, will prevent the need for peacekeeping later on, which is immensely costly in human lives as well as in dollars.

Ms. BURKHALTER. If I can just make one more comment, Congressman Frazer. I am interested in the peacekeeping issue and I would like to address it a little more precisely. During the issue that I probably was more involved with last year than any other, the Rwanda genocide, I am aware of no call by any American human rights organization or anyone, that it should be American soldiers who went to Rwanda to participate in the UNAMIR mission.

I think we are quite practical and sophisticated about the limits of the deployment of Americans, particularly in light of the United States' very unfortunate experience in Somalia, which I might add other governments experienced as well. The Pakistanis lost many more of their troops than did the Americans, but we are aware of that and we did not call for it necessarily being American troops who went to Rwanda. Indeed, I spent a good bit of my time last year trying to encourage the Clinton administration to make equipment, material, lift, communications gear, etcetera, available to aid those African nations who did come forward, particularly the Ghanians, with troops to aid the UNIMIR. It took the Clinton administration about 3 months to get 50 armored personnel carriers into Rwanda. They arrived after the genocide.

There was unconscionable foot-dragging and redtape, in terms of making available equipment that the United States pledged to the United Nations in May. The peacekeeping issue does not necessarily come down to American soldiers.

For example, there are lots of other things that we can do to support efforts, including regional efforts such as OAU diplomacy which I think is getting off the ground thanks to an American contribution and other governments' contributions.

There are other regional alternatives. The IGADD initiative in the Horn, for example, is not bearing fruit on Sudan right now, but it does have potential and is worthy of support. There are also regional initiatives on Liberia. President Rawlings' efforts at diplomacy in the Liberian conflict might well bear fruit down the road and is very worthy of support. It gives you a sense of the alternatives to simply the United States being the ones to step up to the plate and we certainly are trying to explore them. And I might add we have special initiatives to bring some pressure on our European allies. Last year Human Rights Watch opened our Brussels office to do the kind of advocacy we do here in Washington with the European member states as well.

Mr. O'FARRELL. Congressman, if I might just make one comment on that. We are talking about two separate things here it seems to me. The peacekeeping is a symbol of failure. Once we have gotten to the peacekeeping part of this whole business, we are talking about everything else having failed and thus we are trying to pick up the pieces and keep these people apart, which is a sign that everything else has failed.

We are not alone in this. It is not the United States trying to insert itself into these things or trying to be the world's policeman or solve all these problems. Just from our own standpoint, the AFL-CIO is a member of an organization, an international organization, that has more than 130 affiliates and more than 150 million members around the world. It is the International Confederation of Free Trade Unions. Through that organization, we make every effort that we can, not only here to try to influence our government to do certain things, but to work with those groups throughout the world, in Europe, in Latin America, in Asia and in Africa, for people of like mind to bring their governments into a position where they can exert influence to try to change these situations and to try to do it before it gets to the point where you have to send troops in.

Mr. FRAZER. Do not get my inquiry wrong. I am totally in support of the efforts of the organizations. I guess the question was answered. I thought that there should be more of an effort to educate the American public, Mr. American who believes that he is having a problem paying his mortgage and then reads somewhere in the Washington Post about all this money that is going overseas for whatever effort. I am just saying to the organizations, perhaps you should highlight your efforts and do a little more of your own PR.

Ms. BURKHALTER. We will certainly do our best.

Mr. AKWEI. We try everyday.

Ms. ROS-LEHTINEN. Thank you.

Relative to a decade ago, what would you say the outlook for human rights in Africa is right now?

Mr. AKWEI. Well, obviously, we are all going to take a stab at this one. I think that the pessimism that is unfortunately sweeping through many of the policymaking institutions in the United States is based I think on somewhat unsophisticated analysis and interpretation of events in Africa. There certainly have been disasters, as I said in the testimony, but there has also been progress. The question is really moving to a more sophisticated understanding that there is gray in between. There are countries on the brink that could go forward, or that could go backwards. The growth of human rights groups as Assistant Secretary of State Shattuck mentioned has really been a very positive trend.

In fact, one of the most encouraging areas has been the growth of women's rights groups, who in some cases, are more energized and more organized than the traditional human rights groups.

The support of the international community has to move beyond accepting—for instance, beyond just having elections, the kind of superficial type analysis of success or of freedom to operate. I am an African. I would not be doing this if I did not believe that there was actually progress to be made and a positive future. I think in the end it may depend on whether you see the glass half full or half empty. I see it half full.

Mr. O'FARRELL. Let me try my hand at that. I would say that from the way you phrased the question, today as opposed to 10 years ago, you have to be optimistic. There is no way to go, but up. The situation that we have now is better than it was 10 years ago because you have had all these new winds of democracy. You have changed things. The end of the cold war, the demise of the Communist System, takes away an element that, perhaps in the past, had kept us from concentrating on real development processes and the whole question of human rights. I think that we are in a position today, as I said in my remarks earlier, to go from this point on to the next level and to support—if we walk away from it now and say, "Well, you had an election," and my colleague here is correct, the election is not the end unto itself. You had an election. You then have to take whatever efforts are necessary to safeguard what that election has brought about and to see to it that the people who are in power do not then abuse that power. It is better today than it was 10 years ago, but it still has a long way to go before we can say, "You have joined the community of nations as free and democratic organizations that represent the interest of your people in a reasonable way." We have a long way to go yet.

Ms. ROS-LEHTINEN. Thank you.

Ms. BURKHALTER. I will concentrate on U.S. international policy in terms of better versus worse. The rights abuses are awful and they have been awful in the past. What I see is better about the continent of Africa is that the cold war which meant the involvement of the super powers to the detriment of human rights in some cases, in many of the cases, is over. You do not see today the United States supporting the Mobutus and the Siad Barres of this world. And no one wants to return to those days.

I knew we had really rounded the corner when I found that the Heritage Foundation and Human Rights Watch were in perfect agreement on that point. So the good news is that whereas in the Eighties the top recipients of United States foreign aid on the African continent were Sudan, Somalia, Kenya, Zaire, and Liberia, three of the five being utter and complete disasters, two of the five teetering. That is over. It is very significant to point out Russian support for Angola and Ethiopia, and Cuban involvement in Angola is over. And that is a boon for human rights. And it is one very much worth mentioning.

On the other hand, there are certain African disasters that are now orphans because of the lack of superpower interest. The acknowledgement that we do not really have security considerations in Africa or economic ones for that matter means that some of the countries and issues which had sort of international patrons, if you will, are now orphaned.

I would look at Rwanda, for example, where not only did our own government in my view neglect the genocide, except for the very important action of supporting an international tribunal which I very much want to highlight, so did everybody else in the world neglect Rwanda. The French played quite I think, quite a nefarious role in the past and during the genocide.

My fear for the African continent is now not that we have this sort of inappropriate intervention, but rather everybody simply walking away altogether.

Mr. LANSNER. Certainly the lack of interest in the post-cold war world is one which could prove detrimental. People are going to forget about Africa unless people make them pay attention.

But there have been success stories. Certainly I was in Uganda in the early 1980's where the scale if not the speed of the slaughter rivaled Rwanda's. And Eritrea until a few years ago was in the throes of a terrible war which lasted about 30 years. I know President Affewerki has been here and testified and there is a lot of progress there, even though much remain to be done.

A number of other countries including South Africa, Mozambique, Mali, Niger, Central African Republic, have had democratic elections and are moving forward. Also I think it is important to note and this is something that the American Government can encourage are communications among the African human rights groups and between African human rights groups in the outside world, networking which is very important to providing them with the ability to promote human rights within their own countries.

On the other side of it, again, coming back to my testimony, the lack of democratic elections, and as Holly mentioned, also leads and exacerbates ethnic tensions. Leaders who are not elected do

not have a popular base and will revert to other means to hold power. And we see that in Kenya. We see that in Zaire. We see that in Togo, in Cameroon. It is the manipulation of ethnic markers or ethnic factors to remain in power which creates a whole cycle of repression, human rights abuses, sometimes refugee flows which are extremely costly and sometimes demands peacekeeping dollars, peacekeeping operations which are very expensive.

Again, the work in promoting human rights groups, the networking among human rights groups and the democratic elections that safeguard human rights, I think these are high points in the last few years and optimistic points that we should encourage.

Ms. ROS-LEHTINEN. Thank you. Just one more question. Just a few weeks ago at the UNESCO Conference, Audience Africa, several academics and human rights advocates released a report which called upon the Organization for African Unity to, quote, "Take greater interest in the situation of Africans when their most fundamental rights are being trampled under foot." Do you think that the African countries are heeding that call from their fellow neighbors, and also how should the United States proceed in gaining greater African participation in finding solutions to these terrible tragedies of human rights abuses, be it through aid or whatever mechanisms are available to us to make folks understand our great desire to have them respect human rights?

Ms. BURKHALTER. The main problem with the OAU is that the member states do not want to stigmatize each other for gross abuses. We, of course, have had this problem in our own hemisphere as well, where member states of the OAS have in the past been reluctant to criticize each other. But with the creation of a professional commission, the Inter-American Human Rights Commission, it has been possible for the OAS to play a useful role—very importantly, the Inter-American Court and a treaty that has the possibility of adjudicating some human rights issues has been a real important aspect of the Inter-American Human Rights system. (Of course, some states have no part in and appear to be completely unwilling to realize those standards.)

But the OAU is in its infancy in terms of such mechanisms and does not have anything comparable to a commission that actually monitors and reports publicly and has a sort of professional ability to do what the Inter-American Human Rights Commission has done, nor does it have a court which can theoretically take up human rights cases.

We have actually done some work at Human Rights Watch trying to put some of our Inter-American specialists in touch with the OAU to try to see if there are any learning opportunities and think there may well be. The OAU has implemented a fledgling and I think very significant diplomacy and peacemaking operations. The OAU has played an important role in trying to negotiate some of the conflicts brewing on the continent. I know, for example, that they sent someone I admire particularly, Mohammed Sahnoun who had played a very important role in Sudan, has been an OAU negotiator for the Congo. So I think they need to be supported and there needs to be technical advice and expertise. The United States

I believe in the past has given a grant to the OAU to develop their peacemaking and diplomacy and I think that should be encouraged.

Mr. AKWEI. I would like to say that certainly since aid is such a hot word in the Congress these days and, also, it is not actually something that Amnesty, itself, advocates on one way or another, I think the issue now is of engagement and of the symbolism of U.S. engagement.

As Holly said, the African Commission for Human and People's Rights is in its infancy. It meets irregularly, but it is an institution, and it should be challenged. I think that a visit by the members of the subcommittee, or at least a letter requesting such a meeting, would infuse some activity and possibly some results.

I also think that the support for the NGO community, the human rights NGO community, has to parallel and in the end may actually be the catalyst for action, eventually, at the OAU or at the Commission on Human and People's Rights.

Certainly the African governments vary in their response or even in their willingness to criticize or to critique the practices of other governments. That is not peculiar to African governments. Again, the initiative. There is one country I think that has this potential role, and that, of course, is South Africa. I think were the United States to suggest a continental meeting, it would have huge ramifications. It would certainly open up the possibility of discussion or debate in civil societies throughout the continent about where their countries are and in what direction they need to start moving.

Mr. O'FARRELL. It is not all a bleak picture. The OAU is an organization that has evolved over the years. It is not the same today as it was when it began. And there are groupings within the OAU that are doing the sorts of things that we are talking about.

In East Africa, for example, the group of East African countries in the Horn are actively searching for a solution to the problems in the Sudan. Now this may very well end up being a division of that country into two or more separate countries, whether they can bring about a unification or not, but the point is that Kenya and Eritrea and Ethiopia and the others in the region are actively looking for solutions to those problems which will lead eventually to an amelioration of the human rights abuses that exist there.

I think this is the sort of thing that ought to be encouraged. If you cannot get the entire organization to go into something, at least you can look at some of the smaller groups, the ECCOMAG system in the West or this group in the eastern part of the continent who are trying to find a solution to a particular problem.

And if I may just interject something, one of the things that the United States can do and my friend here mentioned South Africa as a leader—there is a great jealousy among all the African countries and I do not think we ought to be the ones who promote South Africa as the new leader of all things, but in terms of what the Americans do, the United States can do if it has not happened already and I have been away and I am not aware of it, there is a discussion that has been going on at the United Nations about what countries should represent Africa as a permanent member of the Security Council. And it would certainly be the worst kind of an example right now if Nigeria were to succeed in their efforts to get that position.

Ms. ROS-LEHTINEN. Thank you.

Mr. O'FARRELL. I think you should look into that.

Ms. ROS-LEHTINEN. Thank you.

Mr. LANSNER. Certainly the idea of getting other groups involved in promoting human rights is important and one we should encourage. The conference you referred to in Paris, Madam Chair, was called, "Audience Africa," and I did mention earlier that it called for a cutoff of all aid to African dictatorships. And this is a group of over 500 African leaders. And it called for elections in those countries within 2 years.

I think it is important to remember in any conference, the conference in South Africa or elsewhere, that these are the kind of people, civic leaders that should be included, because if you convene a conference of governmental leaders, we are going to be including a whole slew of dictators, autocrats, and other people, some who have had elections of one form or other but who are very set in keeping their power.

I think it is important that the United States look at elections, but also be willing to denounce an election that is not free and fair.

Too often we have looked at elections and been willing to give them a passing grade, as I said, a D+ grade is enough to get them by. A few years ago, President Carter was in Togo and pulled out, left the country as an observer because he did not see the conditions for free and fair elections. American election observers have to be willing to do that as well as to certify elections as free and fair.

One other small thing I will finish with, the encouragement of the NGO groups—again, this is very important—a handbook was just produced by an American NGO, the Fund for Peace, in New York. The Fund for Peace produced a handbook which gives the instructions, gives examples of the organizational skills needed for NGO's to create their own human rights groups. And this is a very important kind of activity that—it is coming out in several languages. And it is a very important kind of activity, again, to promote NGO activity on the grassroots level that will bring human rights in a broader context to more people in Africa.

Ms. ROS-LEHTINEN. Well, thank you very much to all of you for being here today. I look forward and the subcommittee looks forward to working with you these 2 years. Thank you.

[Whereupon, at 12:05 p.m., the subcommittee was adjourned to reconvene at the call of the chair.]

APPENDIX

OPENING STATEMENT OF HON. ILEANA ROS-LEHTINEN, CHAIRPERSON, SUBCOMMITTEE ON AFRICA

I would first like to welcome and extend our appreciation to the members of our distinguished panel, who will give us their insight about the human rights situation in Africa.

We have kept a very busy schedule in the last month. Among other things, we have held two regional briefings and a separate executive session focusing on U.S. military operations in Somalia.

Today, however, we are changing gears a bit to focus on an issue which strikes at the very core of democratic values and beliefs -- human rights.

Nearly two-thirds of the African countries are in a transitional stage. They are replacing autocratic governments with democratic institutions. However, civil strife and the activities of extremist movements continue to foment terror and despair throughout many regions of the continent.

The total disregard for human rights of a few is endangering the progress made thus far by the African nations.

These individuals do not realize that, protection of and respect for these basic natural rights, is a prerequisite to a stable and equitable form of government. Without this guarantee, democracy cannot flourish.

It is within this context then that I would like to introduce our first speaker -- John Shattuck, Assistant Secretary of State for Democracy, Human Rights, and Labor.

Secretary Shattuck served as Vice President of Harvard University from 1984 until 1993, where he also taught human rights and civil liberties law at Harvard Law School. Previously, he was Executive Director of the Washington Office of the American Civil Liberties Union, where he had also served as National Counsel.

Secretary Shattuck has held numerous other positions in the field of human rights advocacy. Among these as Vice Chair of the U.S. Section of Amnesty International, and as an Executive committee member of the Leadership Conference on Civil Rights. He has been honored on numerous occasions for his dedication and contributions to civil liberties and human rights.

We are pleased to have him join us today.

We will now proceed with Secretary Shattuck's brief remarks, followed by a question and answer period.

Secretary Shattuck.

PANEL II-

And now it is my pleasure to introduce our distinguished panel for the second portion of this hearing. Once they have all testified, we will proceed with questions.

First, we will hear from Mr. Thomas Lansner. Mr. Lansner is a consultant and analyst in the New York office of Freedom House, where he is also contributing editor to Freedom Review. He is also an adjunct professor of international affairs at Columbia University School of International and Public Affairs. He was a United Nations election observer in South Africa last year, and has served as an adviser on human rights and democratization issues to the democratic opposition in Gabon. He resided in Africa from 1977-1982 and covered a variety of human rights and conflict issues during his tenure as a newspaper and radio correspondent.

Ms. Holly Burkhalter is the Washington Director of Human Rights Watch, which encompasses Helsinki Watch, Americas Watch, Asia Watch and Middle East Watch. She is a veteran of Capitol Hill, having worked for the House Foreign Affairs Subcommittee on Human Rights and International Organizations, and as a Legislative Assistant to then Congressman Tom Harkin. Ms. Burkhalter has written and co-authored numerous publications focusing on human rights and humanitarian issues.

The third member of the panel is Mr. Adotei Akwei.

Mr. Akwei is currently the Government Program Officer for Africa with Amnesty International. Prior to joining Amnesty International, he served as Africa Program Director for the Lawyers Committee for Human Rights in New York and at The Africa Fund as Director of Research and Human Rights.

Lastly, we have Mr. Patrick O'Farrell. Mr. O'Farrell is Executive Director of the African-American Labor Center of the AFL-CIO and has served in this capacity since 1973. Prior to his appointment, he had served as Deputy Executive Director and as the Center's representative in Ghana. Mr. O'Farrell has been a member of the U.S. Workers delegations to the United Nation's International Labor Organization since 1968. Furthermore, during his tenure at the Center, he has represented the AFL-CIO as an official observer at elections held throughout the African continent.

We thank you all for being here today.

OPENING STATEMENT
HUMAN RIGHTS SITUATION IN AFRICA
SUBCOMMITTEE ON AFRICA - FEB. 22, 1995
CONGRESSMAN DONALD M. PAYNE

Thank you Madame Chairperson, I want to congratulate you on your timely follow up on the State Department's Human Rights Report, and especially as it relates to Africa. In the few minutes allocated for opening statements I want to highlight the "unfinished business" of Rwanda.

It was less than one year ago, in April and June of last year that the genocide took place that cost upwards to a million lives. People were targeted based on their ethnicity with government forces providing direction and logistics. The extermination of politically moderate Hutus and all Tutsis was amazingly effective. The most serious human rights problem Africa has ever known in terms of human lives.

Our State Department and Administration policy have been consistently behind the curve on Rwanda. In my view we deferred to French interest and did not act when violence was escalating before the genocide. We pressed for withdrawal of UN peace keeping troops who could have saved thousands of lives. We literally stalled the whole process of timely assistance in the UN Security Council. Our Subcommittee spoke out on this problem last year as did the Congressional Black Caucus. The U. S. only acted decisively when the genocide was over and huge refugee outflow ensued.

I believe, if the Rwandan genocide had occurred almost any where else in the world, it would have been treated with the gravity of a crime against humanity, as defined by the Genocide Convention, deserves. Instead, it has largely been ignored, even today, when effective action to heal the wounds is not forthcoming. Our financial support to the new government has not fulfilled the promises made by the international community. For instance the support promised by the United States to re-establish the Judicial System is still in the pipeline. What could be more important than helping the new government establish an atmosphere of justice to encourage the refugees in Zaire and Tanzania to return. Rather, we allow them to be held hostage by the Hutu extremist leaders responsible for the genocide with the assistance of the new Mubutu/French alliance.

The U.S. inaction in the UN is to allow another "Palestine Refugee Situation" to be created there. A situation that will cost billions of dollars over the years to shelter and keep feeding hundreds of thousands of people. The costs will pale the cost of preventative measures now!

A regional conference on central Africa's refugee crisis just concluded in Burundi's tense capital last Thursday. Those attending say they dealt with general principals, not concrete solutions. "There's no facts, no figures and no costs" one delegate said. Some delegates urged a more forceful policy, arguing that only an increased international presence can prevent Burundi from sliding into total anarchy.

National Security Adviser Tony Lake, said in Washington last Wednesday that African nations must take responsibility for their fate, and that it is not sure the U. S. and other countries can prevent a Rwanda-like massacre in Burundi if the political situation explodes.

In contrast the new Rwandan Government is doing their best to meet the conditions of the original Arusha Accords. The new government's President and Prime Minister are Hutu and its Vice President is Tutsi. Of the 19 cabinet members, 12 are Hutu. The Army is also integrated as the article in the Washington Post so explicitly pointed out this morning, which I would like to enter into the record with my statement.

Surely, if a devastated Rwanda can do this, we can do better.

Thank you Madame Chairperson.

Rwanda Attempts to Integrate Old Enemies Into Winning Army

For Ruling Front, Civics Classes Outrank Martial Art of Marching

By Jonathan C. Randal
Washington Post Foreign Service

RUBONA, Rwanda—Stripped to the waist and shouldering staves instead of rifles, Hutu troops paraded smartly to the cadence of African drums, first executing a classic British slow march, then the faster drill of continental European armies.

They constituted the second batch of about 1,000 veterans of Rwanda's defeated armed forces who last fall answered the victorious new government's call and joined the force that defeated them: the army of the Rwandan Patriotic Front.

Following a wave of ethnic bloodletting, started in April by a Hutu extremist Rwandan government, the Tutsi-led front renewed a four-year-old civil war and overthrew the Hutu regime and its armed forces, driving them into exile and establishing a new government.

Now the new army's Hutu trainees, considered traitors by more extremist former comrades who are in refugee camps in neighboring Zaire, are held up as evidence of the government's determination to build a reconciled Rwanda.

The mixed drill symbolized a desire to mesh the military tradition of the former British colony of Uganda, where many of the triumphant Tutsis were raised in exile, with the martial ritual of the Belgians, who ruled Rwanda from 1916 to independence in 1962.

But more important for Rwanda's new masters are the three hours of daily courses on the country's history and civics. The lessons are designed to inculcate their view of what went wrong during the three decades the Tutsis were kept in exile.

Political education long has been standard training for the Rwandan Front's troops but it represents a novelty for the old Hutu army's sol-

diers, who reportedly were forbidden even to listen to the radio.

During a classroom visit, these often poorly educated ex-soldiers seemed genuinely interested in understanding the differences between single- and multi-party political systems or the rationale behind the separation of executive, judicial and legislative branches of government.

Reflecting the Rwandan Front's devotion to open government, said Lt. Michel Makusa, the political

"The army itself has no stomach for a new war."

— Rwandan Col. Marcel Gatsinzi

training officer here, there are no "right answers." Rather, courses stress discussion, with soldiers encouraged to express themselves even if their views contradict instructors' texts.

Asked what the lessons meant, a sergeant replied, "They teach us that more unites Hutus and Tutsis than divides Rwandans."

Playing down ethnic origin is an article of faith for the new authorities, who are acutely conscious that Tutsis and moderate Hutus are a minority and that their survival depends on winning over the suspicious and often hostile Hutu majority.

On the diplomatic front, the course helps fend off pressure from African and aid-giving countries to show evidence of widening the government's still narrow power base by integrating the army.

Officially, the course here for enlisted men and noncommissioned officers is called "reorganization" rather than reeducation. This is not just because reeducation smacks of the brainwashing that the triumphant

Vietnamese and other communist regimes imposed on defeated foes.

"Reorganization" is a term borrowed from ill-fated 1993 accords that sought a peaceful solution to Rwanda's ethnic tension. They specifically called for a merged army.

Senior officers acknowledged that Rwanda's ruined economy scarcely justifies incorporating all of its 40,000 defeated foes, but they cited those accords having recognized "reorganization" as a concept.

Most trainees here are southern Hutus, who traditionally were less extremist than their northern fellow tribesmen who filled the upper ranks of the ousted government and defeated army. As consequence of the more moderate leanings, the southerners often were kept at arm's length by the old leadership.

The new authorities have gone out of their way to show the country and the first graduates of "reorganization" that reconciliation is not mere propaganda.

Graduates are dispersed to units throughout the country. "Spreading them out shows we trust them," Makusa said, "and that our real intention is to reassure people in the countryside," especially Hutu civilians still fearful of the Rwandan Front as a predominantly Tutsi force.

In a move designed to win over Hutu officers still in exile, Col. Marcel Gatsinzi, the most prominent Hutu to return, recently completed his reorganization course and was given back his prewar rank and post as deputy chief of staff.

One of six senior officers who arrived from exile in Zaire over the Christmas holidays, Gatsinzi acknowledged that despite his own exemplary treatment, persuading other officers and men to return was proving difficult. On arrival from Zaire in August, he recalled, the so-called government in exile spread word that "I had been killed, and when I spoke on the radio to prove I



was alive they said my voice had been recorded before my execution." Then they said "my eyes had been put out," Gatsinzi said. "I had to take off my sunglasses to prove my sight was still intact."

His former comrades ask, "Why do you want go back when we are about to attack?" Gatsinzi said in an interview.

Notwithstanding an increasing number of minor attacks near Zaire's border, Gatsinzi discounted the former army's ability to destabilize the new rule, saying some key officers fled to various African countries, heavy equipment seized by Zaire's army was rusting for lack of maintenance and the rank and file had not been paid for months.

"Those doing the tough talk about a new war are militiamen who killed civilians but never fought in combat," Gatsinzi said. "The army itself has no stomach for a new fight."

"Nonetheless," he admitted, "they're telling refugees in Zaire, 'Don't waste time planting even tomatoes since we won't be around here for the harvest.'"

HUMAN RIGHTS AND DEMOCRACY
IN AFRICA

TESTIMONY OF
THE HONORABLE JOHN SHATTUCK
ASSISTANT SECRETARY OF STATE
BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR

BEFORE THE
SUBCOMMITTEE ON AFRICA
COMMITTEE ON INTERNATIONAL RELATIONS
U.S. HOUSE OF REPRESENTATIVES

FEBRUARY 22, 1995

Madame Chairman, I am glad to be here with you today to discuss human rights and democracy in Africa.

Africa defies generalization. We see significant variation among countries, and within countries. Across this diversity events unfold, some profoundly hopeful, others profoundly disappointing. For simplicity's sake, I will speak of Africa as an entity, and our diplomacy does have a continental scope, as we work through and support multilateral institutions such as the Organization of African Unity. But I stress that we recognize and work with each country's unique social, economic and political circumstances, and that perspective informs my remarks today.

Before I turn to the details, let me offer a general assessment. First, we have seen and have every reason to expect to see some very encouraging developments. The majority of Africa's states are turning toward democracy and market-based economic systems, having realized that one-party rule and state-run economies do not and cannot work. Progress here has not been uniform - the fullness and consolidation of democratic and market reform vary across countries. For our part, we in the U.S. government intend to do what we can to support these transitions. I would of course highlight South Africa's transition from legal apartheid to democracy, which led to the election of Nelson Mandela as President in 1994. We are proud of our contribution to that change and we look forward to continued effort to help South Africa succeed over the long haul. The most immediate effect of its success will be felt in its region, where other democratic governments such as Botswana and Namibia among others will benefit from a vibrant free-market democracy in South Africa.

In Africa of course we see major problems, most stunningly in Rwanda, but elsewhere as well. One of Africa's largest and most important states, Nigeria, remains under the rule of the military, who seized power after the elections of 1993; there are civil wars in Liberia and Sudan; last year, The Gambia slid back into military rule. I will take up many of these problems in detail later in my remarks. Here I will say only that we believe that democracy and human rights in Africa matter to the United States, and we intend to do what we can to work with those trying to improve their own countries, and to work with multilateral organizations, including the U.N., to help resolve civil conflicts and prevent future crises.

U.S. Policy Objectives

Let us turn first to the key goals of U.S. policy towards Africa, which can be briefly summarized. They are based upon the premise that we need to support the political and economic

reforms initiated by Africans themselves. Our chief objectives are:

- 1) Governments that are democratic, stable, effective and responsible;
- 2) Equitable economic growth;
- 3) Prevention and resolution of conflicts;
- 4) Effective responses to transnational issues.

These goals and the policies to effect them are related; we have learned in our human rights and democracy work in Africa, as elsewhere, that we must look at events through a policy lens that will capture the complex relationships among problems - and among solutions. Thus, we recognize that the growth of democracy supports market-based economic growth by providing the resources for the development of what we refer to as civil society, a network of relationships based on mutual trust and the rule of law rather than arbitrary or authoritarian power. By the same token, preventing or if need be resolving conflicts through the development of African peacekeeping and enforcement mechanisms will also help prevent the massive violations of human rights that we have seen in Rwanda, and Liberia, and elsewhere, and in turn help reduce the refugee movements and environmental destruction these conflicts engender.

Bearing in mind the links among these issues, I will focus my testimony on the first policy objective I mentioned, the promotion of democracy and human rights on the continent. In Africa, as elsewhere, democratic government and respect for human rights are closely linked. Democracy is the best means the world has produced to protect and advance human rights, based on individual freedom and dignity. In turn, respect for human rights is the only means by which a democracy can sustain the individual freedom and dignity that enables it to endure.

Tools for Promoting Democracy and Human Rights

The United States has a range of tools to promote democracy and human rights in our foreign policy. Central among them are our assistance programs, which are used both positively to encourage progress and negatively to discourage and condemn reversals and bring to justice human rights violators. The Congress has played a key role with the executive branch in developing specific democracy assistance programs. Some programs are carried out through grants administered by American nongovernmental organizations, such as the National Endowment for Democracy, the International

Republican Institute and the National Democratic Institute, and the African-American Institute. One of our most innovative and creative assistance programs, the democracy and human rights fund, enables our embassies to provide small support grants for grass roots democratization and human rights projects that they can directly observe and evaluate. The important role of these grants in effecting real change in Africa's political life is all the more striking in light of the small sums involved - in FY1995 just \$4 million, with no individual grant exceeding \$100 thousand. The Administration strongly supports this program and urges that it be retained as we reshape our assistance policies toward Africa.

Through these assistance programs we have conducted a wide variety of effective projects in recent years. For example, we have supported election assistance and civic education in Mali; election monitors in Zambia; training for political parties in Benin; election efforts and democratic institution building in Malawi; election management, demobilization and civic education in Namibia; and parliamentary training in the Central African Republic. In South Africa democracy promotion projects such as voter education, community outreach and leadership development, and support for strengthening of public management and institutions and the like are a significant part of our overall program to help South Africa through its dramatic and difficult transition from apartheid to democracy.

We also use our aid to press for an end to human rights abuses by reducing or eliminating programs. One recent example is The Gambia, where the 1994 coup prompted a suspension of our aid program. Multilaterally, we oppose loans by international financial institutions to countries that have a pattern of serious human rights abuses, excepting loans for basic human needs. We have opposed loans to Equatorial Guinea, Mauritania and Sudan for these reasons.

On the political and diplomatic level, we are actively working to facilitate the establishment and maintenance of democratic systems that respect human rights. Our embassies are responsible for developing annual plans to work on these goals, with specific teams to oversee progress. In the department and in the field we review problems continually and ensure that they are raised in private and public diplomatic channels as appropriate. For example, we have urged the regime in Nigeria to rescind its decrees restricting press and other freedoms, and return to its announced program to hand over power to elected civilian leaders. I will discuss Nigeria later in some detail. We have employed a variety of sanctions there, including refusal of visas to civilian and military leaders (and their families) who impede the return to

democracy, export control restrictions, prohibition of military sales, and termination of EXIM lending and OPIC coverage. To look at a different sort of case, in Mauritania, we have condemned and pressed the government to end continuing practices of slavery by cutting off assistance and ending trade benefits under the General System of Preferences.

Another important diplomatic tool is our annual country reports on human rights, published earlier this month. These reports are widely publicized throughout Africa and are closely read by governments and private organizations; we are confident they have an impact on official behavior.

Democratic Developments in 1994

I will now turn to the record of events in Africa over the last year and review some key countries in more detail. Although international attention tends to focus on some deeply disturbing developments - exemplified by the Rwandan catastrophe, to which I will return later - it is essential that we recognize the truly remarkable progress on the continent. By pursuing a strong policy on democracy and human rights in Africa, the United States has made a positive difference in many places. In that regard I cite the greatest triumph of 1994, the election of Nelson Mandela as President of South Africa, marking the end of one of the most profoundly racist systems in history and the beginning of a democratic polity. South Africa's new interim constitution and Bill of Fundamental Rights provide for freedoms of speech, press, assembly, association, religion, and other critical rights. Although the Government faces difficult challenges, the cabinet has operated by consensus and enjoys widespread popular support. Politically motivated violence has decreased significantly since the April elections. Just last week, the country took another step forward with the installation of a constitutional review court, some of whose members were anti-apartheid activists in the past, including one who represented President Mandela at his trial for treason 31 years ago. Not long ago most observers would have considered this peaceful shift to a model democracy as nearly impossible. We are proud to have contributed to this major victory for democracy.

Many other African countries have undertaken democratic transitions, which while perhaps less heralded, are by no means less profound or meaningful, particularly for their citizens. Five years ago there were five democratically elected governments in sub-Saharan Africa; today there are twenty-one. There have been other important strides towards civil society. For example, the press in many African countries has gained considerably greater freedom than it enjoyed a decade ago in a number of countries. The numbers of human rights activists and organizations are growing, exemplified by GERDES (in English, the Group for Studies and Research on Democracy and Economic and Social Development) in several francophone states of West Africa and ZIMRIGHTS in Zimbabwe.

Let me cite some of the African democracy and human rights success stories in the nineties:

In 1991, Mali's twenty-three year old military dictatorship was deposed and a multiparty democracy has risen in its place. The Central African Republic successfully completed its transition to democratic, multiparty rule following free and fair elections in 1993. In 1994 Malawi ended the one-man, one-party rule it had experienced since independence and introduced a new constitution with strong human rights provisions. Namibia has made a successful transition to multiparty democracy, and in December 1994 it held free and fair presidential and parliamentary elections. Ghana's transition to a constitutional democracy, begun in 1992, remained on track. A UN-negotiated peace in Mozambique ended sixteen years of war and elections last year installed a new government; the human rights situation has steadily improved, and we are hopeful this progress will be sustained. Tanzania also continued to move toward democracy, and most of the twelve new opposition parties participated in local and by-elections in 1994. Benin, Sao Tome and Principe, and Cape Verde, are also examples of nations that have recently joined the ranks of African democracies with good human rights records. Zimbabwe has continued to improve its human rights record, led by key rulings from the Supreme Court in 1994 on rights of women, free assembly and press, and due process. In 1994 Botswana completed twenty-eight years of democracy since independence. President Masire's government, which has an excellent record of respect for human rights, has made a commitment to address gender inequities in the citizenship law this year.

These and other examples reflect the diversity I noted earlier; there has been a broad variety of democracy movements and institutional means of transition - referenda, national conferences, constitutional commissions -- and different approaches to the establishment of accountable governments that respect human rights. In the aid projects I discussed earlier, we have sought to support the institutions each country is developing for itself, and also attempted to provide cross-fertilization by sharing ideas that have worked elsewhere. I also note that many of these countries are undertaking democratic reform in tandem with serious efforts at economic reform. We are working to support such economic reform through our assistance programs. And we provide humanitarian aid to countries in transition, to lessen the sufferings of innocent civilians and to help create a climate conducive to negotiations and dialogue, for example in Ethiopia and Eritrea, and Mozambique.

Human Rights Crises and the U.S. Response

Africa is also the site of very serious human rights problems. Liberia continues to be wracked by brutal civil war; we are working with the UN and with regional organizations to bring the parties together. In southern Africa, Angola has been unable to bring its conflict to a peaceful conclusion, and egregious violations of human rights continue, although there is hope that the Lusaka protocol signed late in 1994 will finally bring peace, and US participation helped bring this about. In the Sudan, the civil war continues and the dismal human rights situation shows no signs of improvement. Both government and rebels commit horrendous abuses, with the official pressure for Islamization presenting special hardships for the non-Muslim population. We have made a resolution on Sudan one of our top priorities this year in the UN Human Rights Commission.

Both military and civilian governments in Africa are responsible for human rights abuses. In Nigeria, the military seized power in November of 1993 following the annulment of the elections in June of that year, which had been judged by national and international observers as the freest and fairest in that nation's history. The military government, as I noted earlier, has an abysmal human rights record and is making almost no progress toward democracy, disregarding any semblance of democratic process. We have made unambiguously clear that we support responsible efforts to restore civilian, democratic government and an end to human rights abuses. We have, as I mentioned, instituted visa restrictions and export controls, terminated all aid except for humanitarian and democratization aid through non-governmental entities, suspended consideration of applications for OPIC and EXIM financing -- and we do not rule out the possibility of further sanctions.

The Gambia's military have scrapped most of the country's democratic institutions and committed many abuses; in response we have terminated aid other than democracy promotion. The military rulers have now agreed to a two-year timetable for holding democratic elections. In Zaire, Prime Minister Kengo's ambitious and at times courageous program of political reform continues to be obstructed by President Mobutu and his allies in the security services and the parliament. We have imposed an arms embargo in response, as well as a visa sanction targeted at Zairian obstructionists. The Kenyan Government continued efforts to silence critics, although in June it withdrew charges against opposition leaders and democratic reformers in Parliament continue to press for change. In neighboring Ethiopia the transitional government continued to move toward multiparty democracy, but opposition parties are boycotting the spring 1995 elections, complaining of government domination of the political process.

In northern Africa, human rights conditions have deteriorated in several countries. In Egypt, the government's security services and terrorist groups are locked in a cycle of violence and widespread violations continue. In Algeria, government forces have shown increasing disregard for human rights in their attempts to suppress the Islamist insurgency, while some Islamist groups have committed heinous acts of violence against Algerian citizens and foreigners, intimidating the population and depriving it of basic human rights. We have publicly and privately condemned violence and human rights abuses in both Egypt and Algeria. Libya, of course, is one of the rogue states of the world, and we have used a broad range of sanctions against its harsh regime.

Finally, a group of human rights disasters poses enormous challenges for the United States and the world community in responding to and getting ahead of the immediate conflict, coping with the refugee movements that result, and resolving the conflict so that longterm stability can be established. Our efforts to create or assist effective local conflict prevention and peacekeeping institutions will be critical if we are to avoid future disasters. Somalia, where the civil war continues unabated and the human rights situation goes on deteriorating, is an obvious example. The international community has not been able to find a means to resolve this conflict. Without political reconciliation, and faced with a worsening security situation, the Security Council reluctantly ordered a total withdrawal of UN forces by the end of March 1995.

Genocide in Rwanda

An even more pressing situation is presented by Rwanda. The genocidal slaughter in Rwanda is among the greatest human rights catastrophes of our time in both speed and scale. I have travelled twice to Rwanda since the onslaught of the killings in April 1994. I cannot adequately describe some of the things I have seen. From this horror, we are trying to wrest some measure of justice and hope for the future. In particular, we fought hard and successfully for the creation of the UN War Crimes Tribunal for Rwanda. We have contributed personnel and over \$1 million in funds to the Tribunal, and were instrumental in helping the UN field human rights monitors in Rwanda, contributing three quarters of a million dollars to this major effort to stabilize the country so that refugees can return, and we are contributing development aid for the rebuilding of the economic and social structures. The establishment of criminal responsibility for genocide is crucial if we are to differentiate victims from aggressors, foster societal reconciliation and overcome the cynical argument that ethnic conflicts cannot be resolved.

The Rwanda genocide was the result of years of mounting interethnic hostility and conflict; it is the cause of the flood of refugees, the depopulation of the country and the continuing instability, which threatens to spread to neighboring countries. In order to address this crisis, all aspects of a human rights response must be present and well integrated.

How is that to be done? First, through the Tribunal. Second, through the deployment of UN monitors whose work and presence will promote stability. Third, we must coordinate the UN peacekeeping operation in Rwanda with humanitarian relief and human rights monitoring and enforcement activities. Fourth, through the UN we must assist the Rwandan government to build national institutions of justice and democracy.

We must also work to prevent a human rights disaster in Burundi akin to that of Rwanda. Here, we are actively supporting efforts to prevent ethnic bloodshed and promote national reconciliation. We will provide \$5 million in FY-95 development aid focused on grants to promote dialogue, reconciliation and human rights; we will look to other funds to support the UN's comprehensive plan for human rights advisory services and the OAU monitoring force. We are also pressing for accountability for those responsible for the attempted coup and murder of President Ndayade in October 1993 and the ethnic violence that followed. I have travelled twice to Burundi to investigate and encourage efforts at accountability and reconciliation.

I have discussed Rwanda and Burundi at some length because they are indicative of the new, creative efforts in preventive diplomacy and preemptive conflict resolution that we must develop to manage the post-Cold War human rights challenges that arise along the fault lines within societies and between countries. Many of the old familiar diplomatic and military tools have proven to be of limited utility in addressing these challenges. We are joining our efforts with other governments and nongovernmental organizations to begin to establish mechanisms that will meet these challenges.

Conclusion

In closing, Madame Chairman, I would echo the words of National Security Advisor Lake, who has devoted much of his career to the study of Africa, and who recently completed extensive travels there. He has said: "President Clinton and his Administration reject Afro-pessimism. But neither should any of us seek refuge in the illusions of Afro-optimism. . . What is needed instead is a new Afro-realism - an Afro-realism that commits us to the hard work that can strengthen the

partnership between Africa and America. Without that partnership, Africa will have lost the support we wish to give and are determined to give. America will have lost the opportunity to participate in what could be - what must be - one of the great adventures of our time: fulfilling the dreams of Africa's greatness that animated the leaders of its independence so many years ago."

I would add that those dreams are not the special province of the elite. Men and women throughout Africa are working to create better lives for themselves and their children, often in the face of fantastic hardship and with great courage. They are endowed with inalienable rights to freedom and dignity, and we are committed to helping them realize those rights.

Thank you.

**United States House of Representatives
Committee on International Relations
Sub-Committee on Africa
22 February 1995
Testimony of Thomas R. Lansner
Consultant to Freedom House**

Serious scrutiny of the breadth of sub-Saharan Africa's seemingly intractable dilemmas is indeed daunting. Graphic images of despair are the mainstays of media coverage. Last year, Rwanda's ethnic holocaust provided the archetypal nightmare, attended by anxieties of its recurrence elsewhere. Yet South Africa's triumphant, if still tenuous, transition to multi-cultural tolerance offered the counterpoint—politics as the art of compromise and respect for human rights winning over the power of the gun, or the sharp edge of a machete.

A threshold problem is that institutionalization of the rule of law and acceptance of democratic systems remain weak in many countries. This is the context in which human rights violations are rife, and in which their solution is most problematical. The issue of governance must be addressed first as the foundation for resolving Africa's many other problems; it is one I will discuss today in the context of promoting lasting long-term improvement in respect for human rights.

Governance: Escaping the Zero-Sum Game

Too often in Africa, politics has been played as a zero-sum game. State control over large portions of small national economies is a central cause of this conundrum. Government is where the money is, and to leave power is to forfeit access to scarce resources. The lack of a strong private sector economy and a thinly-developed modern civil society reinforce state power. Exercised more benevolently as patronage or blatantly through the police, such concentrated and generally unaccountable power is a prime blockage to political and economic development in Africa.

Nelson Mandela's election as President of a non-racial—and "non-ethnic"—South Africa is widely hailed as the model for all Africa to emulate. A massive voter education campaign, independent election and media commissions, and the cooperation of the extant state power, the ruling National Party, combined to promote a free and fair election. Many other countries could draw important lessons in creating the "level playing field" needed for genuine elections, as well as the broad citizen participation by non-governmental organizations and the voters themselves required to make the vote credible. It is important to note that respect for basic civil and political rights was a prerequisite—and will hopefully prove a lasting benefit—of this electoral process.

An equally central notion is that power-sharing, even among seemingly implacable enemies, is a realistic possibility. South Africa's electoral mechanism allowed minority parties, de facto representatives of the country's largest ethnic minorities, the Afrikaners and the Zulus, to take meaningful roles in the new "government of national unity." Whether South Africa's political parties will transcend their ethnic bases before the next national elections in 1999 is unsure. But the present formula of broad inclusion at least allows minority voices to be clearly heard and helps convince them their rights will be respected.

The South African model is most compelling in societies sharply divided on non-ideological markers such as race, ethnicity or language. It modifies normal Western parliamentary practice, in which the victorious party typically forms the government and the losers serve as the loyal opposition while awaiting their next turn at the polls. It provides for the empowerment of participation, helping forge political consensus even where institutions of law are not deeply rooted.

Rwanda's bloody tragedy underlines this point. The genocidal assault on the Tutsi minority was no spontaneous explosion of ethnic fury. Long lists were drawn and mountains of machetes were

imported in preparation for the blood-letting that began on April 7, 1994. Among the very first targets were moderate Hutu leaders willing to share power with the minority. The "winner-keep-all-forever" mentality of Hutu extremists made compromise for them unthinkable. In neighboring Burundi, radicals in both ethnic camps threaten conflagration. In Equatorial Guinea and Mauritania, leading opposition leaders are under arrest.

On the other hand, governments of national unity help create consensus. Respect for the rule of law encourages respect for human rights and acceptance of any elected government. An independent judiciary enforcing constitutional and legal rights reassures citizens that an elected government—even if dominated by a different group—will not be able to trample their rights or block their opportunities. It convinces people that there is security of physical and economic life for people and groups other than those holding the reins of power.

In some African countries, including Benin, Botswana, Guinea-Bissau, Madagascar, Mali, Namibia, Niger, São Tomé and Zambia, multiparty politics with genuine elections seems to be taking hold. In Malawi, octogenarian and infirm President Hastings Kamuzu Banda accepted his party's sound defeat in May elections and left office after 30 years. In Mozambique, elections held at the end of October under UN auspices seem to have finally ended a long and devastating civil war.

A different "African solution" is being applied in Uganda, where President Yoweri Museveni is pursuing "non-party democracy." Uganda suffered through two decades of ethnic strife and rampant human rights violations that left hundreds of thousands of people dead. President Museveni, like many observers, blames political parties for stoking ethnic hatred. In March, voters turned out in large numbers to elect delegates to a constitutional convention. Candidates could not use political party, ethnic or religious affiliation as the basis for the candidacy. The draft constitution that delegates are now considering provides five more years of non-party government, including presidential and legislative elections next year, before a referendum on returning to a multi-party system.

Whether a non-party system offers genuine democratization is subject to debate inside and beyond Uganda. What is certain is that whatever the shape of any democratic transition, the strength of the rule of law in upholding individual rights and maintaining constitutional order is crucial to its success. And even democratized systems exclude minority voices at their peril. A case in point: both Mali and Niger conducted successful elections, yet each faces fierce rebellion by desert-dwelling Tuareg rebels who feel marginalized by the system.

Generals and Autocrats: Against the Tide

If the democratic wave will eventually prove irresistible, some soldiers still seek to rule and some leaders still envision lifelong tenure. A July junior officers' coup in Gambia, Africa's smallest country, ended that country's long democratic tradition. After initially promising a quick return to civilian rule, the junta has announced, amidst a swirl of counterplots and executions, that it intends to hold power at least through 1998. The international community is suspending aid in response. In mid-November of last year, the U.S. State Department, calling the new Gambian government illegal, said U.S. bilateral assistance to the country would end. Almost ten per cent of Gambia's one hundred million dollar budget is from American aid and projects.

As I will suggest later, this principle of withholding aid from coup-makers should be extended to civilian regimes that deny democracy or keep power through fraudulent elections.

Elsewhere on the continent over the past year, Sierra Leone's twenty-something military council seems in no hurry to return civilian rule. In southern Africa, tiny Swaziland's ruling royal clan is still evading genuine elections. Lesotho's army mutinied but returned to barracks, though it is grumbling in the wings once again.

And perhaps most important, in the continent's most populous nation, Nigeria, the generals refuse to go back to barracks, instead locking up the winner of the 1993 presidential election, Mashod Abiola. Suppression of the press and trade unions has helped keep a lid on dissent. This month, the Nigerian Government extended a ban on the independent *Guardian* newspaper group. The *Guardian* was one of five newspapers closed last July for criticizing General Sani Abacha's military rule.

Military repression has also struck the Ogoni people, who inhabit Nigeria's richest oil-producing region and are demanding a share of the wealth produced from their land. Today, leading Ogoni spokesman and human rights advocate Ken Saro-Wiwa is on trial for what most observers believe are false charges of murder. And if the "justice" he receives is similar to that Nigeria's military dictators are serving the rest of their people, his fate could be very grim indeed. A report on Mr. Saro-Wiwa's situation is included in the current Newsletter of the PEN American Center appended to this testimony.

A Nigerian non-governmental organization, the Constitutional Rights Project, reported on Sunday that over 100 people were killed last year by security forces in the Ogoni region. Throughout the country in 1994, the report adds, over 500 people were arbitrarily detained, and at least thirty journalists assaulted.

Africa's long-reigning despot is Zaire's Marshal Mobutu Sese Seko, who has now seemed to have escaped the Western world's recent opprobrium by cooperating with relief efforts for Rwandan refugees. Around him, his country continues to disintegrate amidst reports of government instigation of ethnic strife. But after nearly three decades of world-class kleptocracy, his political acuity is undiminished, and he remains a master manipulator on both the domestic and international political scene. As discussed below, Mobutu and other autocrats in francophone Africa cling to power bolstered by French guns and money and intricate webs of finance and friendship with France's political and economic elite.

Yet even despotic leaders now seek the mantle of legitimacy a democratic mandate provides. However, polls they organize often offer only the trappings rather than the substance of genuine elections—what one experienced NGO electoral consultant classes as "charitably, D+ elections." A year ago this week, Gabon's President Omar Bongo unleashed his presidential guard to destroy the country's only remaining independent radio station and suppress protests against his proclaimed December 1993 re-election. The victor in another such contest in 1993, Kenyan President Daniel arap Moi, has again tightened his grip on power by arresting journalists and harassing political opponents. Kenya's promise of democratization has faded, and ethnic violence—here again reportedly abetted by the regime—has wracked several areas of the country.

Moi's latest effort to muzzle free expression last week in the form of an edict ordering the arrest of anyone who criticizes the president. Kijana Wamwala, Leader of the main opposition Ford-Kenya Party, said

I'm worried because that order has no legal basis whatsoever and secondly because insults, or what amounts to an insult, can be a very subjective affair. So President Moi may consider some word or expression made as an insult when in fact it may not be an insult at all and proceed against whoever uttered that statement.

And Moi is notoriously thin-skinned. Many journalists have been detained and some sent to prison for questioning his rule. But one quarter from which he needs fear no criticism is Kenya's electronic media. Radio and television broadcasting there are strictly controlled by the regime and its ruling Kenya African National Union Party.

The US Ambassador to Kenya, Aurelia Brazeal, has urged Kenyan authorities to open the airwaves. For her pains, Kenyan cabinet ministers have charged Ambassador Brazeal with interfering

in Kenya's internal affairs, saying control over radio and television is very crucial for national unity and security.

The linkage between accountable governance, the rule of law and human rights is clearer in this context. National security is taken merely as security for whoever happens to be controlling the nation. And the rule of law is too often applied as no more than the laws of the ruler. President Moi applies this axiom broadly: On Monday, Kenya's still partially-free newspapers reported that the Nairobi-based Center for Legal Research International (Clarion) has been banned for reporting rampant corruption in his regime.

Growing Democracy

National Security Adviser Anthony Lake recently said that experience shows "that when leaders decide to put the future of their peoples ahead of their immediate ambitions, and use democracy to settle their differences, things can improve."

We wholeheartedly endorse this assessment, and its veracity was demonstrated by last year's electoral experiences in South Africa and Mozambique. Yet, except in a few cases, it remains difficult to discern concrete action by the Clinton Administration to match its bold rhetoric on Africa with practical policy, beyond laudable, but limited, emergency humanitarian missions. Through long-term trade and financial sanctions and public and private diplomacy, America helped promote the demise of South Africa's apartheid regime. That example should now guide U.S. policy in making an equally unequivocal commitment to support democratic reform in African countries still in the grip of oppression.

This policy should not be undertaken as an effort to export wholesale American notions of governance. Local history and traditions will shape emerging institutions no less than they have in the United States. America's efforts must be to help grow democracy in Africa by promoting conditions that will allow it to flourish. This requires sharply increased levels of technical aid for civic education and electoral assistance programs, as well as continued general development funds to meet basic human needs. It also demands patient but unambiguous firmness in dealing with regimes that deny their people fundamental freedoms.

This is not a call for America or any other power to simply impose "Western" values in Africa. Respect for basic human rights and better living conditions are desired no less by Africans than Americans. The need for reform and strong calls for change are found in Africa itself, where a daunting continent-wide crisis of growing population and diminishing resources threatens to forever overwhelm prospects for prosperity. Less than two weeks ago more than 500 African political and civic leaders, gathered at a conference in Paris, urged donor nations to cut off funds to African dictatorships and called for free elections in such nations within two years.

Kenyan scholar Michael Chege, now at Harvard University and writing recently in *Current History* magazine, succinctly summarized autocrats' methods, explaining that they cling to power "through a combination of brute force, manipulation of gullible opposition parties, bribery, crafty exploitation of ethnic loyalties and cosmetic constitutional reforms to appease Western donors who demand 'good governance' as a precondition for further development aid."

Africa's basic problems cannot be addressed without broad popular support for governments that are fully accountable to their people. And the best way to produce this accountability is to allow the people, as is their internationally-guaranteed right under the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights, to choose their own government. Such democratic systems do not spring up fully-formed overnight, though most African countries have made at least some institutional progress in that direction. America's role must be to help grow these democratic institutions until the rule of law and respect for fundamental freedoms become firmly rooted as part of the governing ethos.

Political systems that suppress free expression and economies that channel the wealth of nations—and billions of dollars in international aid—to a favored few will never reach this goal. Long-term U.S. interests clearly coincide not with repressive leaders, but with those vying to bring transparent and accountable governance to their countries. President Clinton has repeatedly stated that supporting democratization is a pillar of his foreign policy. Building on this pronouncement, the U.S. should make clear by concrete action its abhorrence of African autocrats, for several practical as well as philosophical reasons. Among them:

- Blatant abuse of human rights—including the right to genuine elections—violates universally-recognized international standards that successive U.S. Administrations have pledged to uphold and that Cameroon, Gabon, Kenya, Zaire and other African countries are bound by treaty to honor;
- Repressive governments in Africa will never gain the domestic consensus essential to address basic problems that must be resolved before economic progress can be realized to free Africa from the cycle of aid and dependence. Autocratic systems are most often kleptocracies as well, deadly parasites that drain countries' prospects for economic growth;
- Repressive governments spark armed resistance, launching a cycle of destabilization, human rights abuses, war, famine and refugee flows that cause immense domestic suffering and make large demands on the international community;
- Autocrats, as seen most tragically today in Rwanda, exacerbate and manipulate ethnic divisions to deny democracy for their personal political ends. A similar bloody pattern exists now in Cameroon, Guinea, Kenya, Togo and Zaire; and
- Elections that merely mimic the facade of the democratic process without including basic building blocks such as freedom of association and expression and genuine efforts to educate voters inevitably lead to increased instability and very often violence and severe rights abuses.

Leaning on the Strongmen

America should lead the world in taking appropriate political and economic action to encourage African strongmen to open their political systems and honor their peoples' right to free and fair elections.

Condemning electoral theft is a first step. U.S. law (Section 508 of the Foreign Assistance Act) already automatically cuts aid to coup-makers who overthrow democratic governments. It was invoked in October 1993 when elements of the Burundi Army murdered elected President Melchior Ndadaye and attempted to seize power. This law aims to protect the democratic process, but conditions U.S. aid only regarding *military* disruption of representative government where it is already in place. A broader law requiring certification of elections as free and fair as qualification for U.S. aid would actively promote democratization.

Other measures could include conditioning release of some foreign assistance on the proper conduct of elections. Large loans from international financial institutions (IFIs) such as the World Bank and International Monetary Fund must not be allowed to be used to merely prop undemocratic, faltering regimes. Current U.S. law (Section 701 of the International Financial Assistance Act of 1977) instructs the executive to employ its "voice and vote" in IFIs "to channel funds ... toward countries other than those whose governments engage in ... a consistent pattern of gross violation of internationally recognized human rights ... unless such assistance is specifically directed to programs which serve the basic human needs of the citizens of such country." Similar legislation should channel international funds away from regimes that do not allow free elections.

All U.S. military sales to and training for authoritarian regimes should be halted, and its influence should be deployed to block other arms transfers. In some instances, especially in West and Central Africa, America must also exert real diplomatic pressure on its allies, particularly France, to accept African movement toward democratization. Large-scale French arms sales to a repressive Rwandan regime over the past several years has left the country awash in guns and blood. French economic and military support for autocratic regimes—mostly designed to sustain immensely profitable commercial relations in what France considers its privileged sphere of influence—is damaging prospects for democratization in several other countries.

France Must Be A Friend in Africa

A further note on France's role in Africa should be made here. Reports in the Paris press described French intelligence cooperation with Sudan amidst wide speculation that it was not merely coincidental with the murderous Khartoum regime's decision to extradite Ilyich "Carlos the Jackal" Ramirez Sanchez to face trial for terrorist crimes in France. France's profile in Africa today is arguably the most important of any outside power. Its aid budget of over \$3 billion is nearly four times U.S. official assistance. French troops are garrisoned in Cameroon, Central African Republic, Djibouti, Gabon, Ivory Coast and Senegal, and have intervened many times to prop the failing fortunes of strongmen closely linked to France. An exception was the 1979 expeditionary force that deposed self-proclaimed Emperor Jean-Bedel Bokassa, of the then Central African Empire—his delusional megalomania became too much even for France to countenance when he began murdering schoolchildren detained for protesting his dictatorship.

Just slightly less egregious behavior is tolerated. France's relations with other autocrats across francophone Africa remain intimate. Mobutu in Zaire, Cameroon's Paul Biya, Gabon's Omar Bongo and Gnassingbe Eyadéma of Togo all have close personal ties with France's political and business elite, as did the late leaders of Ivory Coast and Rwanda, Félix Houphouët-Boigny and Juvénal Habyarimana. These African dictators, who became among the world's richest men while leading the earth's poorest peoples, have reportedly contributed heavily to French political parties. And close family members of top French politicians have garnered extremely lucrative contracts doing business in these countries.

A brief breeze of change appeared to alter France's course in Africa in 1990, when President François Mitterrand urged francophone African leaders to accept democratization. Policy since has clearly reverted to the belief that much of Africa is France's *chasse gardée*, its private preserve. While visiting Togolese dictator General Eyadéma in September to announce resumption of aid—suspended in 1993 after a fraudulent presidential election and massacres of government opponents—French Cooperation Minister Michel Roussin proudly proclaimed that France "never abandons its friends in need."

A year after Togo's bogus presidential poll, human rights violations by the Togolese security forces have continued, according to an Amnesty International report released in September. Arbitrary arrests, detention without trial and torture go on today. A prisoner of conscience particularly noted by Amnesty is newspaper editor Martin Dossou Gbenouga, jailed for five years in May for publishing an article criticizing President Eyadéma and the French government. Amnesty International also has special concern for the fate of trade union leader Komi Dackey, seized on 11 January and detained since without charge.

And elsewhere in Africa? France's "Operation Turquoise" in Rwanda was launched too late to save another "friend in need." French forces could not preserve even a toehold in Rwanda for the shattered Government army, which had been largely armed and trained by France. Yet there are signs of change. Some of the new generation of democratic leaders in francophone Africa are quietly seeking American and other Western investment in hopes of reducing French influence. The devaluation of the African franc, long backed by France at an unrealistic exchange rate, could also loosen traditional

bonds. But among old-line politicians—in France and in Africa—the power and the money are too attractive to let democratization even possibly interfere. French paratroops and legionnaires still stand ready to protect this French connection.

The U.S. should make amply clear that French backing for autocrats is unwelcome. Further, clear political support and material aid for honest leaders and honest elections even in francophone countries should be willingly supplied.

Rights and Elections: The U.S. Role

The U.S. can certainly provide the technical expertise needed to conduct proper elections, including help in revising electoral codes and setting up proper mechanisms to count and monitor results. Voter education and training is another important element in countries with little experience in open political debate. Political party training is also crucial, especially where a one-party regime has long maintained total control or a near-monopoly over resources.

And perhaps most essential, the U.S. must work to ensure that the level playing field of freedom of expression and association exists well before votes are cast. This was an essential pre-condition for South Africa's election. Its lack has cast severe doubts over the legitimacy of many other African elections. A free media—and this should include equal and unbiased access to state media—and unhindered rights to form parties and other non-violent political groupings are central building blocks for the civil society that is the bedrock of a democratic system.

Several U.S. non-governmental organizations possess the skills and experience necessary to promote proper elections. The International Foundation for Electoral Systems, the National Democratic Institute for International Affairs and the International Republican Institute each have extensive experience in Africa and elsewhere. These groups should be offered greater funding to expand their activities in Africa. The U.S. government, through the National Endowment for Democracy, USAID and the United States Information Agency, should step up pro-democratization educational programs that work on the grass roots level to help establish a strong civil society.

The role of non-governmental organizations must be emphasized. Introducing this year's edition of the State Department's Annual Human Rights Country Reports, Assistant Secretary for Democracy, Human Rights and Labor John Shattuck wrote

[N]ongovernmental human rights organizations around the world...have an especially vital especially vital role to play in the growth of human rights and democracy, precisely because they arise in, and reflect, the unique features of their respective societies. With the changing times, grassroots groups have taken on new roles, such as election monitoring, active negotiation as part of democratic transitions, serving as ombudsmen, and creating institutions of accountability and reconciliation.

American assistance to human rights and democratization efforts should certainly be geared to promoting and working with such groups. In an era of tightening aid budgets, serious consideration should be given to offering priority to activities that will in the long run help produce sustainable systems of accountable governance, which will in turn be far better at promoting both economic development and human rights.

Election Monitoring: Crucial Caveats

In supporting electoral processes, though, several crucial caveats must be honored: Above all, nowhere should the superficial trappings of democratic polls be tolerated as a substitute for genuine elections. The real desire of people to vote and to express their will should not only be applauded, but

genuinely respected. If an electoral process is so irregular as to be meaningless, American observer missions must have the courage, as demonstrated by President Jimmy Carter in Togo in 1993, to refuse to lend it even the credibility of their physical presence. Other important lessons from recent elections in Africa include:

- Dictators are getting smarter at allowing only the façade of democratic elections to back their claims to power while still severely restricting freedoms of expression and association. Much greater attention must be paid to electoral structures, media access, use of state resources and voter education to ensure the existence of a level playing field.
- Local groups that can operate independently and objectively should be actively sought to participate in conjunction with international observers. The absence of such groups is clear warning sign of the fragility of civil society and the electoral system and the likelihood of manipulation.
- All election-monitoring missions should attempt to mount parallel counts or quick counts simultaneous with the official reporting of results to discourage post-balloting manipulation.
- Election-monitoring groups should not render their services unless the host government offers full cooperation including guarantees of the broadest possible access to the entire electoral process. Inadequate election observation missions are worse than none at all.
- Reports long-delayed or privately-delivered are no deterrent to fraud. Election-monitoring missions must report fully, openly and in a timely manner to have any real credibility, value or impact.
- "Constructive engagement" only buys time for dictators. The U.S. government, joined by other democratic nations, should make amply clear both publicly and privately its commitment to genuinely democratic electoral processes, including the respect for basic human rights. Timidity here will lead only to a shrinkage, not enlargement, of democracy.

There is evident need for new policies to be formulated and applied. Africa's record in conducting genuine elections is at best mixed. There have been success stories, in Namibia, Niger, Zambia and now in South Africa, where long-entrenched regimes gracefully, if belatedly, surrendered power. Elsewhere, including Cameroon, Gabon, Kenya, Nigeria, Togo and Zaire, autocrats cling to power and watch from their palaces as their countries slide deeper into crisis. Without strong external support for honest elections, authoritarian regimes are likely to do what comes most naturally to them—perpetuate their own power. And the human rights abuses and spiral of crises spawned by repressive and unresponsive governance will only grow worse.

Elections: Process, Not Panacea

This is not to claim that elections are a panacea for all Africa's ills. Much hard work will remain. Financial—as well as political and moral—support of the developed world will be required to help grow democracies. But any amount of aid will in the long run likely prove useless unless African governments offer accountability to their own peoples.

Right now, delegates to South Africa's constitutional conference are deliberating over the shape of their country's new basic law. The United States can look with some pride and satisfaction at the role it played in helping the transitional elections succeed. But today, many other African countries are looking back at over three decades of independence with both pride and regrets. Pride at achieving their own nationhood, sometimes at terrible cost. Regrets at the mismanagement and misgovernance that has too often crushed the expectations and aspirations of Africa's peoples. There is no doubt that the pace

of change in Africa is quickening. Today, dictatorship should be rejected as vehemently and universally as was apartheid. The U.S. can best protect its own long-term interests by promoting the basic human rights of African peoples. Only responsible, freely-chosen governments are likely to provide lasting protection and promotion of human rights under the rule of law. Elections not only make their realization of these rights more likely, but proper electoral processes already practice their implementation.

South Africa's white rulers suffered international ostracization. The battle against apartheid—encouraged by long and vociferous grass roots agitation around the world—has been won. Only after genuine elections installed a representative government were sanctions lifted and normal international relations renewed. Now, other African dictators should be treated the same. Respect for human rights should remain a key consideration in America's relations with African governments. Further, certification of a country's electoral process as free and fair should become a condition of United States bilateral security, economic and financial assistance—except for aid specifically designed to address basic human needs. And the U.S. should make use of its voice and vote in IFIs to channel funds only to countries whose citizens' right to freely choose their own government is honored.

The litany of obstacles facing good governance respect for human rights in Africa does not exclude hope. But it is certain that they will never be overcome so long as countries squander scarce resources on arms and repression. Political stability is a basic requirement for respect for human rights and economic progress. Elections that took place in several countries in 1994 and are scheduled elsewhere in 1995 could be important stepping stones in this direction. Western governments should press for and provide increased aid to help democratic transitions, develop the rule of law and strengthen the free media and other institutions of civil society. Targeted U.S. assistance that promotes human rights and democratization—even if it is deemed "down a rathole" by some or mere "peanuts" by others—can have real and positive effect. Absent transparency and accountability in governance, conflict and corruption and human rights violations will continue to be rife. Consensus on hard decisions will be unlikely. And the enormity of Africa's problems means that *harambee*—pulling together—is now more necessary than ever.

America should join the new generation of Africans pressing now for democratic reforms. Welcoming his African National Congress victory, Nelson Mandela used the words of Martin Luther King, Jr., to proclaim South Africa "Free at last!" In many other African lands, people still long to exercise their basic right to vote freely and fairly and to be able to say the same for themselves.

Thomas R. Lansner is a New York City-based international affairs analyst and writer, consultant to Freedom House and contributing editor to *Freedom Review*. A United Nations election observer in South Africa last year, he has served as an adviser on human rights and democratization issues to the democratic opposition in Gabon. He resided in Africa from 1977-82, and as a newspaper and radio correspondent covered a variety of human rights and conflict issues. He is currently an adjunct professor of international affairs at Columbia University School of International and Public Affairs, from where he holds a Masters' Degree in Human Rights and International Law.

Appended:

- "Massacring Democracy in Rwanda," *Freedom Review*, July-August, 1994, pp. 1-2. Democracy activist François Xavier Nsengiyumva, who barely escaped Rwanda's holocaust, explains the genesis of the disaster in a piece that appeared originally as an op-ed in the *Los Angeles Times*.
 - PEN Newsletter American Center Newsletter Issue #86, Winter 1995, pp.1-3, details Mr. Ken Saro-Wiwa struggle on behalf of the Ogoni people.
- [ends]



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Testimony of Holly Burkhalter, Advocacy Director of Human Rights Watch
 before the Africa Subcommittee
 of the House Committee on International Relations

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Thank you for holding these important hearings, Chairman Ros-Lehtinen, and for inviting me to testify. My name is Holly Burkhalter, and I am the Advocacy Director for Human Rights Watch. We welcome you to the chairmanship of this subcommittee, and we look forward to working with you and your staff.

Human Rights Watch is a nongovernmental organization with five regional divisions -- Africa, Americas, Asia, Helsinki, and Middle East. We conduct regular, systematic investigations of human rights abuses in some seventy countries around the world, addressing the human rights practices of governments of all political stripes, of all geopolitical alignments, and of all ethnic and religious persuasions. In internal wars, Human Rights Watch documents violations by both governments and rebel groups.

This morning I am here to discuss human rights in Africa, and to draw attention to some of the continent's human rights trouble spots. The catastrophe in Rwanda illustrated the critical need for conflicts to be dealt with before they escalate into this kind of massive slaughter and genocide. Accordingly, one of the main lessons of Rwanda is the need for the international community to address the state's role in promoting and manipulating ethnic conflict. Rwanda is not the only example of what horror flows from such ethnic conflict -- Liberia, Kenya, Zaire, Sudan, and South Africa, among others, have also suffered terrible internal strife due to government manipulation of ethnic tensions.

Rwanda also highlights the need for accountability for past abuses. Those responsible for the genocide must be held accountable for their actions, both in the International Tribunal on Rwanda in the Hague and in Rwanda's national courts. However, just as the authors of Rwanda's genocide must be judged, so too must those responsible for other egregious human rights abuses, including the killings of 30-50,000 people in Burundi after the killing of the president in October 1993. Indeed, if Burundi is to avoid falling into an abyss on the scale of Rwanda, there must be accountability for past abuses. In addition, such efforts at accountability should be seen as integral to national reconciliation and reconstruction, and not be sacrificed to political expediency. The inclination of local and international actors is often to push through a peace agreement based on the premature granting of immunity from prosecution to human rights violators. In the Rwandan case, the current government appears committed to pursue prosecutions, but the international community must provide the necessary human and material resources. Any delay in delivering promised resources could ensure impunity for the perpetrators of genocide.

All too frequently, policy makers speak of intervention in Africa in purely military terms. In fact, there are numerous other forms of intervention that could and should be exercised before the situation requires a military solution. The US government in particular must exert moral

leadership in the international community, which implies the obligation to speak out about human rights abuses and to call them by their real name. "Genocide" was not a word that this administration wanted to speak last spring, and had the US been more courageous in its stand, it might well have saved lives. The current US Ambassador in Burundi, on the other hand, has been consistently speaking out against the ongoing abuses, and his attention to these issues has helped distance the US from the perpetrators of the violence, and put the violators on notice that their crimes have not escaped U.S. notice.

The triumph of the democratic transition in South Africa and the unspeakable tragedy in Rwanda both provide instructive lessons for the rest of the continent. South Africa's long and costly struggle would not have been possible without the resiliency and determination of South Africans themselves, combined with pressure on the apartheid regime and support and assistance given by South African civil society and governments around the world. Such support must also be extended to other African nations that are trying to resist oppression and rebuild their shattered societies. That challenge should not be evaded by claiming that Africans are involved in age-old tribal hatreds; instead, the US must play a leading role in promoting respect for human rights in Africa and ensuring that governments and ruling elites are held accountable for their abuses.

Following is a summary of recent developments in nine African countries -- Angola, Burundi, Ethiopia, Kenya, Liberia, Nigeria, Rwanda, South Africa, and Zaire. Each case illustrates the need for constant monitoring and activism to help avert new "Rwandas" from overwhelming the continent.

ANGOLA

The human cost of the civil war in Angola is impossible to determine with precision, but the United Nations estimated that more than 100,000 people have died since the resumption of hostilities in 1992. The appalling levels of death and destruction are in large part consequences of the widespread and systematic violations of the laws of war for which this conflict has been notable. Both the government and the rebels, the National Union for the Total Independence of Angola (Uniao Nacional para a Independencia Total de Angola, UNITA) have been responsible for these violations. In particular, indiscriminate shelling of besieged cities by UNITA has resulted in massive destruction of property and the death of untold numbers of civilians. Indiscriminate bombing by the government has also taken a high civilian toll.

Mine warfare intensified after hostilities resumed following the September 1992 elections, with thousands of new mines being laid by the government and UNITA to obstruct roads and bridges, to encircle besieged towns with mine belts up to three kilometers wide and to despoil agricultural lands. There were an estimated nine to fifteen million mines laid throughout the country. The U.N. estimated that the number of amputees as a result of mines injury reached 70,000 in 1994.

Although the Lusaka ceasefire protocol was signed on November 20, 1994, localized fighting between the government and UNITA forces continued into early 1995. By the time the Lusaka protocol was signed, the government had forced UNITA to conduct "strategic retreats," evacuating its forces from its last significant urban and commercial footholds -- Uige, Huambo, and Soyo -- rather than putting up a fight. The area of national territory under firm UNITA control has now fallen to some twenty percent.

Human Rights Watch/Africa recently interviewed several eyewitnesses from Huambo who

were present when UNITA withdrew. They report UNITA forcing civilians, including children, to join its northerly evacuation. Suspected government supporters were also extrajudicially executed prior to the final pull out. UNITA forces also looted the ICRC compound in Huambo at Bombo Alto. When they had finished, they encouraged local residents to loot, too.

The entry of government forces into Huambo also began abusively. These soldiers embarked on a looting spree, demonstrating their acute lack of discipline. Government forces also engaged in indiscriminate killings of civilians, many of them alleged to have been UNITA supporters. Although the situation has now stabilized, military lack of discipline remains a serious problem for civilians.

The January 18 assassination of Ricardo de Melo, the editor of Angola's only semi-independent newspaper, *Imparcial Fax*, marked the start of a campaign to curtail freedom of expression in Luanda. De Melo was killed by gunmen using a weapon with a silencer. He had been publishing stories about government corruption and human rights abuses. A recent issue of *Imparcial Fax* had published confidential military documents on the treatment of UNITA prisoners. An associate of Melo, Mario Costa, was the target of an assassination attempt in Luanda on January 28 by a number of men in civilian clothes. Human Rights Watch/Africa is deeply concerned about these events and is continuing to investigate them.

It is against this background of suspicion, intimidation and fear that the UN will deploy its roughly 7,000 troops, 350 military and 250 police observers in Angola, as mandated in UN Security Council resolution 976 on February 8. Their task is to oversee an open-ended interim period pending a presidential run-off.

BURUNDI

A small number of Tutsi extremists have used terrorism to regain the political power that they lost in Burundi's first free and fair election, held in June 1993. The first step in their anti-democratic campaign was the assassination in October 1993 of the democratically elected President, Melchior Ndadaye. The most recent was their victory two days ago in forcing the installation of their hand-picked candidate for Prime Minister, Antoine Nduwayo. At the same time, Hutu extremists have increasingly resorted to the use of force, including the recruitment and arming of an underground army. As extremists on both sides escalate the violence, moderates who seek a compromise are increasingly threatened and attacked.

Like Rwanda, just to the north, Burundi is divided between a majority Hutu population, eighty-five percent of the total, and a minority Tutsi group, who represent about fifteen percent of the total. In Burundi, the Tutsi elite had benefitted from the support of the colonial power to expand their control over the Hutu and even since independence in 1962 had managed to retain virtually complete control over political, military and economic power. With the 1993 election, however, they had lost control over the political system as the FRODEBU party, generally associated with the Hutu, won not just the Presidency, but eighty percent of the seats in the parliament.

Tutsi extremists, both civilian and military, reacted to the FRODEBU victory by assassinating President Ndadaye and his constitutionally designated successors, and by attempting a coup. Hutu responded immediately by attacking and massacring Tutsi, sometimes under the lead of local government officials. The largely Tutsi army, under the guise of restoring order, slaughtered Hutu. The violence cost between 30,000 and 50,000 lives, about evenly divided

between Hutu and Tutsi. Partly in response to international pressure, partly in response to the internal violence, the troops returned to barracks and the coup seemed to have failed. A civilian president and cabinet resumed control but they are only going through the motions of governing, real power remains in the hands of the army and the civilian Tutsi extremists who give it orders behind the scenes.

Throughout the year and a half since the assassination, splinter groups of extremist Tutsi have obtained their political objectives, such as increased representation in the cabinet, by "dead city" demonstrations, shutting down the capital by the use of barricades and armed militia. Through such an operation, begun February 14, a coalition of seven splinter parties that received less than one percent of the vote in the 1993 elect forced the ouster of the Tutsi moderate Prime Minister Antoine Kanyenkiko and dictated his replacement by Anboine Nduwayo. Tutsi extremists have used assassination to deplete the ranks of notable Hutu, killing five governors, members of Parliament, local administrators and other leaders. The current President, Sylvestre Ntibunganya, whose wife was killed in the 1993 coup attempt, is frequently said to be the next target for an assassin's bullet. An article published ten days ago in a newspaper owned by the former military president Bagaza, suggested that both U.S. Ambassador Robert Krueger and the Special Representative of the U.N. Secretary General, Ahmedou Ould Abdallah, should be assassinated for having spoken out against extremism and violence.

Tutsi extremists, some organized in militia, have killed hundreds of Hutu in "dead city" demonstrations and in isolated attacks in the countryside. Army and police rarely intervene to halt or punish such incidents. Hutu extremists have staged ambushes and attacks on Tutsi soldiers and on camps where Tutsi, still displaced from the 1993 violence, still live in miserable conditions. Some of the killings in the countryside, whether initiated by Hutu or Tutsi, are in reprisal for the massacres of 1993. As yet, those responsible for both the earlier and the more recent killings have not been brought to justice.

Apparently random incidents of violence, such as bomb and grenade explosions in markets and buses, not clearly attributable to one side or the other, heighten the fear that dominates the lives of people from whatever ethnic group or political affiliation. Volleys of gunfire are frequently heard in the capital at night, particularly during "dead city" operations like that of last week. A pirate radio of hate, called Radio Truth, has been broadcasting incitements for Hutu to kill Tutsi.

The civilian authorities have been unable to contain the violence or to bring its authors to justice. Several government commissions have brought no result. An international commission, sponsored by human rights organizations like Human Rights Watch, published the names of those apparently responsible for Ndadaye's assassination and the ensuing violence, but the judiciary system, still dominated by Tutsi, has taken no action against them. President Ntibunganya and his government have asked the Security Council to send an official judicial commission to investigate these crimes, hoping such high-level international attention might oblige the judiciary to take appropriate action against the accused.

Burundi is in an extremely precarious situation and risks "descending into a hell of genocide worse than that of Rwanda," according to a warning last weekend by its President. The United Nations, the Organization of African Unity, and various individual donor nations, including the United States, are playing constructive roles by keeping international attention focused on Burundi. Exemplary action to punish the authors of genocide in Rwanda would certainly have a powerful effect in deterring a similar catastrophe in Burundi.

ETHIOPIA

Following the overthrow of the Mengistu regime in May 1991, the Transitional Government of Ethiopia (TGE) adopted a National Charter to regulate the transition to democracy, conducted elections for regional governments in 1992 and general elections in June 1994 for a constituent assembly which enacted, in December 1994, a constitution drafted by a constitutional commission. General elections are now scheduled to take place May 7, 1995, under the new constitution, and TGE has invited international observers from to monitor all stages of the preparation and voting processes.

When compared to the Mengistu regime, it is clear that the TGE has achieved significant improvements in the human rights situation and general stability of the country. The National Charter stipulated peaceful transition to democracy, respect for human rights and the rule of law, and now the Constitution guarantees fundamental rights and freedoms. The TGE has also ratified the main international human rights treaties. Thus, for example, political parties have been formally recognized and allowed to organize, press freedom guaranteed by the Charter/Constitution and regulated by the Press Proclamations under which some 200 licenses have been issued for independent newspapers and magazines in the country, the police force was restructured, independent human rights organizations can be established, and so forth.

After some delay, the TGE has also begun the process of trying more than 1200 officials and political leaders of the Mengistu regime for human rights violations and crimes against humanity. Charges were presented for the first group of 70 accused persons in December 1994, and trials are due to resume March 7, 1995, after an adjournment to allow the defendants to prepare their defense. If conducted in accordance with due process of law, these trials will not only make an extremely important contribution to the establishment of democracy and the rule of law and enhance national stability and reconciliation in Ethiopia, but also set an excellent example for the whole of Africa and the world community at large.

Nevertheless, unless very serious political and human rights concerns are immediately addressed, all the achievements of the last four years can be undermined and reversed. As a result of disagreements between the Ethiopian People's Revolutionary Democratic Front (EPRDF), the dominant force in the TGE, on the one hand, and some major political parties and organizations, on the other, and due to major irregularities in the regional elections of 1992, several opposition parties and group boycotted the 1994 constituent assembly elections, and consequently had no input in the enactment of the constitution. Opposition parties also object to what they see as the premature and hasty implementation of policies of fundamental national concern, such the establishment of a federal system in which regions are defined by ethnic criteria, by the EPRDF-dominated TGE which they see as a transitional government lacking the constitutional mandate to do so. Human rights concerns include detention and harassment of political opponents and journalists, and obstruction of political campaigning by opposition parties, especially during run-up to elections in 1992 and 1994. Several newspaper editors are currently serving prison sentences ranging from six months to two years.

KENYA

Government intolerance of criticism continues to threaten Kenya's shaky return to a multiparty system. Opposition supporters are required to obtain licenses to hold meetings, but are

routinely denied such licenses and arrested if meetings are held without license. Political trials were held in 1994 of several prominent figures, and mysterious attacks took place on the houses of opposition Members of Parliament (MPs). The right to freedom of expression was threatened by the arrest and charging of a number of journalists in connection with articles critical of the government. The government was particularly sensitive to allegations of involvement in rural violence in Rift Valley Province and continued to deny access to journalists or human rights monitors to the affected areas. Despite plans announced in June 1993 by Attorney General Amos Wako to look into the law reform, no attempt has been made to amend or repeal repressive legislation. The lack of an independent judiciary remains a serious problem in political cases.

The Kenyan opposition remains divided between two factions of the Forum for the Restoration of Democracy (FORD), FORD-Kenya and FORD-Asili, and a third party, the Democratic Party (DP), largely along ethnic or regional lines. The ruling Kenya African National Union (KANU) of President Daniel arap Moi successfully won over several MPs representing opposition parties, allegedly with significant financial inducements, and increased its majority in parliament.

Opposition MPs were regularly harassed during the year. In March the home of FORD-Kenya MP Anyang' Nyong'o was attacked by armed men, killing his uncle. In other cases, the government continued to use the justice system to silence critics and punish political opponents. A number of MP were detained for short periods and in some cases charged with political crimes such as subversion. A number of other political trials took place in 1994 involving political leaders, journalists and other government critics. Allegations of torture and ill-treatment in police custody continued to be routine in 1994.

Political violence in the rural areas in the west of the country remains a serious problem. In late 1993 Human Rights Watch/Africa estimated that approximately 1,500 Kenyans had been killed and perhaps as many as 300,000 internally displaced since the clashes began. Allegations of government promotion of violence between government-allied members of the Kalenjin or Maasai ethnic groups and members of the numerically dominant Kikuyu and Luo groups continued to be made. The existence of several "security operation zones" where emergency-type regulations gave the government extraordinary powers to limit access to outsiders and to enforce law and order. These measures have prevented independent monitoring of security force behavior and have not prevented the outbreak of renewed clashes, which have occurred as recently as January 11, when a group of Maasai killed eleven Kikuyu in Kigeche, allegedly in revenge for an earlier killing of two Maasai. Opposition MP Njenga Mungai has been in pre-trial custody since January 15, charged with sedition after going to Kigeche to investigate the violence. Similar charges were dropped on February 6 against two other MPs who were accused with Mungai.

Government-sponsored attacks on camps for the displaced are of great concern to Human Rights Watch. On December 23, 1994, a camp for displaced Kikuyus and others was attacked by local police, who rounded up camp residents and forcibly transported approximately 2,000 to the Kikuyu heartland of Central Province. A week or so later, the police went into Kirigiti Stadium (one of the locations where the camp residents had been moved), blocked off access and questioned residents about their ethnicity and ancestral backgrounds. They later returned and razed the camp. The government is also beginning to insist on the dispersal of other camps in Rift Valley Province.

Moi has attempted to shift blame for ethnic violence to outsider and opposition politicians. On February 3, the government reported the existence of the hitherto unknown February Eighteen

Movement (FEW), calling it a communist-led group with an armed wing responsible for many of Kenya's serious crimes during the past year. On February 13, Moi said that another group, the Kenya National Patriotic Front, was working in collaboration with FEW to cause civil strife and bloodshed.

LIBERIA

The Liberian civil war has entered its sixth year, with hopes for peace dispelled time and again by the emergence of new warring factions and the refusal of the other factions to disarm and demobilize. All the factions are responsible for human rights abuses against the civilian population, subjecting them to harassment, arbitrary arrest, detention, torture, and extrajudicial execution. These attacks are sometimes based on the civilians ethnic affiliation or on their perceived support for one of the factions, but are often simply used to terrorize the population. A characteristic of the Liberian war has been that civilians are killed in far greater numbers than combatants.

Although some progress was made in late 1993 and early 1994 toward ending the civil war, the situation later disintegrated. Political infighting and renewed combat brought disarmament to a standstill. Two warring factions, the United Liberation Movement for Democracy in Liberia (ULIMO) and the National Patriotic Front of Liberia (NPFL), split into factions. ULIMO split along ethnic lines: the Krahn group, headed by General Roosevelt Johnson, battled the Mandingos, led by Alhadji Kromah. The inter-ULIMO fighting reportedly claimed hundreds of civilian lives since it flared up in March 1994. Other factions, including the NPFL, the Liberian Peace Council (LPC) and the Armed Forces of Liberia (AFL), fought in the southeast, also taking a heavy toll on the civilian population and causing tens of thousands of displaced persons to flee into the area around Buchanan. The NPFL also split in 1994, and fighting between the main faction and the breakaway group, who were backed by ULIMO, the LPC, and the Lofa Defense Force (LDF), resulted in more than 100,000 Liberians fleeing the area around Gbarnga. Meanwhile, the Liberian National Transitional Government (LNTG), a coalition government, ostensibly governs the capital, Monrovia, backed by the West African peacekeeping force (ECOMOG). The U.N. Observer Mission in Liberia (UNOMIL) was established in 1993 to work with ECOMOG, and in January its mandate was renewed by the Security Council for another three months. Since early 1994, an expanded ECOMOG force has been in Liberia, under the auspices of the Organization of African Unity (OAU), composed of Ugandan and Tanzanian troops.

The latest round of peace talks, held in Accra, Ghana, sponsored by President Jerry Rawlings, currently the chair of ECOWAS, is once again believed to be Liberia's last chance. On September 12, a supplementary agreement to the Cotonou Agreement was signed in Akosombo, Ghana, that allies the AFL with the NPFL and ULIMO in a coalition government charged with disarming the warring factions and leading the country to elections in October 1995. The agreement was widely criticized by various members of Liberian civil society as giving too much control to the warring factions. No progress has been made in its implementation. The faction leaders missed the January 11 deadline to install the new ruling council, which is expected to be headed by traditional chief Tamba Tailor, and will include Charles Taylor of the NPFL, Alhaji Kromah from ULIMO, Hezekiah Bowen of the AFL, and Oscar Quiah, representing the Liberian National Conference. The council is supposed to oversee disarmament and govern the country.

until elections in November.

On September 15, a coup attempt was made by troops under the leadership of former AFL chief Charles Julue, who briefly took over administrative offices but were forced out by ECOMOG forces. Julue and at least sixty-one soldiers of the AFL were taken into custody by ECOMOG. Julue and some eighty others were taken into custody, seventeen of whom are being charged with treason. The trial has been postponed on several occasions, and it is still pending.

Human rights abuses continued throughout the country by all the warring factions. By mid-September, renewed fighting and attacks on relief workers and other noncombatants, including the capture by NPFL forces of forty-three U.N. observers and six NGO staff who were later released, had forced all relief organizations to recall their staff members to Monrovia. In one of the most brutal incidents, on December 15 some 60 people -- the majority being children -- were massacred on Paynesville on the outskirts of Monrovia. Although a Commission of Inquiry was appointed, no investigation has been conducted, and no one has been charged or tried in connection with the massacre. Atrocities continue to be committed.

In January, the Clinton Administration appointed a Special Envoy for Liberia, Ambassador Dane Smith. This is a welcome move, as it illustrates a heightened U.S. involvement which could help resolve the ongoing crisis.

NIGERIA

Nigeria edged closer to political chaos in late 1994 and early 1995, after the brutal suppression of a broadly supported campaign to remove the military from political office in 1994. A major concern in the ongoing crisis has been the rise of ethnic and regional tension. The government's brutal way of dealing with pro-democracy strikes and demonstrations has hardened the separation between north and south and increased the likelihood of more serious outbreaks of violence. During the 1994, hundreds of the critics of the military regime, most from the Yoruba areas of the country, were arbitrarily detained, and many were killed or wounded as protests and demonstrations were attacked with military force.

Moshood Abiola, the apparent winner of the 1993 presidential election, has been detained since June 1994, with very limited access to visitors, and his trial on treason charges has been adjourned indefinitely. No date has yet been set for the hand-over to civilian rule. A Constitutional Conference that was convened by the military in 1994 was boycotted by a large section of the country, particularly those of the Yoruba ethnic group. New elections may be scheduled for sometime in 1996; however unless the issue of Abiola's election is somehow resolved, new elections will likely be resisted by the Yorubas.

The murder trial of Ken Saro-Wiwa and other members of the Ogoni ethnic group, who have been persecuted for protesting the environmental policies of Shell Oil and the Nigerian government, is scheduled to begin on February 21. The trial is being held before a three-person Special Tribunal, one of whose members is a military officer, which does not adhere to internationally accepted standards of due process. If convicted, Mr. Saro-Wiwa and the others will be sentenced to death with no right of appeal.

Attacks on pro-democracy activists have been ongoing throughout the crisis. Some activists have been killed; others have had their homes and offices bombed. Hundreds have been detained for periods ranging from several hours to several months. A number have been deprived of their passports. Human Rights Watch is currently concerned about a number of detainees,

including Frank Kokori and Wariebi Agamene, two officials of the oil unions that were disbanded by the military after leading a crippling oil strike last summer. Kokori and Agamene have been held without charge since September.

On September 5, it was announced that General Abacha had promulgated a series of harsh new decrees targeting the press, the trade unions, and the judiciary. Another decree extended the period allowed for administrative detention. The amendment was made effective from August 18, just before a round-up of government opponents who remain in detention. Another decree referred to Abacha's coup as a "military revolution," and stipulated that no "act, matter or thing done or purported to be done under or pursuant to any Decree or Edict" may be challenged in court. Habeas corpus has also been eliminated by decree.

Respected newspapers and magazines that were shut down by the government in mid-1994 continue to be prohibited from publishing by military decree.

RWANDA

Almost a year has passed since April 6, 1994 when Hutu extremists in Rwanda launched a campaign of genocide against the Tutsi minority, leading to the death of more than half a million Rwandans. The massacres were triggered by the suspicious crash of the plane carrying President Juvenal Habyarimana, but extremists had planned the campaign for months in a last-ditch attempt to block the implementation of a peace agreement that would reduce their power. Although Rwandan human rights activists and members of the political opposition had warned that the massacres were being prepared, the international community made no effort to head off the impending disaster. Shortly after the plane crash, the Presidential guard and Hutu militia began slaughtering Tutsi as well as Hutu members of the internal political opposition. Ten Belgian soldiers from the U.N. contingent in Kigali were also slaughtered, after which the U.N. hastily withdrew virtually all of its troops stationed there under a peacekeeping mandate. Ignoring clear evidence that a genocide was in progress, the U.N. waited six weeks before deciding to return a significant number of troops to Rwanda, a decision that took months more to be fully implemented.

In the meantime, the Rwandan Patriotic Front (RPF), a predominantly Tutsi exile force, defeated the government responsible for the genocide and installed a new government on July 21. The authorities guilty of genocide ordered a rapid withdrawal to Zaire and their army and militia forced many to join the exodus who would otherwise have stayed at home. In the humanitarian crisis that followed the flight of some two million Rwandans to Zaire, approximately 50,000 lives were lost to disease, starvation, and lack of water. As humanitarian agencies responded with a flood of aid, the authorities responsible for the genocide took control of the incoming supplies of food, water and medicine and used them to reassert their hold over their population in the Zairean camps.

Soldiers and the militia guilty of the genocide have been terrorizing the camps, killing, raping, and looting the refugees and intimidating any who would have wanted to return to Rwanda. In late August, for example, they killed thirty Rwandan boy scouts whom they saw as rivals for influence in Kitale camp. The Secretary General has appealed for U.N. troops to restore order in the camps and to separate the military, who have no right to humanitarian supplies, from the deserving refugee population. Because no member state volunteered troops, the Security Council decided to allocate \$13 million to the Zairean army to do the job, under some U.N.

supervision. Given the poor performance of Zairean soldiers in the past, it is hard to believe that this solution will actually increase the security of the civilians in the camps.

Authorities of the government responsible for the genocide maintain that the slaughter was justified as a form of preventive action against Tutsi who, they say, intended to kill them. They assert that the true genocide was against Hutu and was carried out with the complicity of Belgium, the United States and the United Nations. Military authorities of the former government declare that they are preparing to return to Rwanda by force and, in fact, troops are preparing for further military action.

The new Rwandan government has been unable to begin orderly prosecutions of persons accused of genocide, lacking the means to establish a functioning civilian administration and judicial system. Thousands have been arrested and are awaiting trial, held in inhumane conditions in prisons and irregular detention sites. With the judicial system paralyzed, reprisal killings and disappearances continue. Some Rwandans are using accusations of genocide to cover efforts to settle property or private disputes, thus putting innocent persons in jail. In addition, soldiers of the new government army (Rwandan Patriotic Army, RPA), have themselves committed several massacres of unarmed civilians and have been responsible for numerous cases of disappearances and summary executions. The new government has arrested RPA soldiers charged with these human rights violations but has not yet brought any of them to trial.

At the time of the genocide, the international community stood by as the slaughter continued. Since then, it has been slow to provide the new government with the resources needed to prosecute the guilty. In November 1994, however, the U.N. established an international tribunal for Rwanda, one of the few hopeful signs that those guilty for this horrendous crime may in fact be held accountable for the genocide. The tribunal has been slow in beginning its work, in part because donor nations have been slow in providing the needed funds.

SOUTH AFRICA

The new government of national unity is beginning to make progress in its reconstruction and development program, although rank and file members of the ANC are expressing some impatience at delays in implementation of pre-election promises. Major reforming legislation has already been tabled or passed in several important areas, including the restructuring of the police force, land redistribution and labor law. The new constitutional court has heard its first case last week, to decide the constitutionality of the death penalty: human rights organizations expect that the court will rule against its application.

Long-standing proposals for the establishment of a "Commission on Truth and Reconciliation," to investigate the past and grant amnesty to those who confess to what they did, are currently being debated in the new National Assembly. Human rights organizations are voicing strong opposition to the provision, agreed as a result of pressure from the National Party, that hearings shall be in camera. The white right wing and the Inkatha Freedom Party (IFP) oppose the whole idea of such a body, claiming that it will result in a "witch hunt." Meanwhile, new revelations of "third force" activities by the previous government and by the IFP are regularly being made to official investigations by former security police or hit-squad operatives.

Although vastly reduced since early 1994, continuing political violence remains a serious concern, especially in the new region of KwaZulu-Natal, which incorporates the former white province of Natal and the KwaZulu homeland, based of Chief Mangosuthu Gatsha Buthelezi,

leader of the IFP. The structures of the KwaZulu government, including its police force (the KZP), remain in place, and the battle between the ANC and the IFP for control of rural areas has not been resolved. Local government elections due to be held in October promise to provoke violence on a level perhaps equivalent to that before the April 1994 elections. Recent revelations indicate that deliberate provocation of violence by the IFP, the KZP and elements of the South African Police continues. In other areas, violence between different taxi companies often has political overtones, and police again seem to be involved in some cases. In some townships, violence has been directed against immigrants from other African countries -- estimated to number anything from two to eight million -- though the ANC has taken a responsible position and spoken out against such attacks.

The installation of the new government has resulted in a funding crisis for nongovernmental organizations (NGOs), as bilateral aid is directed to the government rather than to the nongovernmental sector. Although much of the work previously carried out by the NGOs properly belongs to government, South Africa's great strength has been the power of civil society, one of the positive legacies from the anti-apartheid past.

ZAIRE

The human rights situation in Zaire continues to be very serious, with widespread abuses against a population with no recourse to the rule of law. Extrajudicial execution, arbitrary arrest, illegal detention, torture, rape, looting by government troops, and rampant corruption are the hallmarks of the regime of President Mobutu Sese Seko. The massive influx of Rwandan refugees into Zaire in July and August further complicated Zaire's human rights picture.

On June 14, Kengo Wa Dondo, a former prime minister and businessman, was appointed prime minister by the High Council of the Republic, Parliament of Transition (HCR-PT); he was installed on July 11. The opposition Union for Democracy and Social Progress (UDPS) protested this, maintaining that Etienne Tshisekedi, the opposition leader elected prime minister by the National Conference in 1992, remained the lawful prime minister.

Independent journalists and opposition politicians continue to be targeted by the Mobutu regime. In March 1994, security forces detained the outspoken Zairian journalist Kalala Mbenga Kalao for eighteen hours and confiscated his possessions before permitting him to leave for the United States, where he was granted political asylum. In June, the mutilated corpse of Pierre Kabeya, a journalist with the weekly *Kin-Matin*, was found near the Loano military camp in Kinshasa. Other journalists affiliated with newspapers close to the opposition were arrested and detained by the authorities.

Political opposition members were harassed as well. Joseph Olenghankoy, a member of the High Council of the Republic and a leader of the Radical Opposition Renovation Force, was arrested on June 10 by Mobutu's Special Presidential Division (DSP), detained incommunicado, and reportedly beaten and interrogated about his political activities. On June 12 Tshisekedi was arrested by the DSP and detained for ten hours. Troops opened fire on civilians in front of the home of Frederic Kibassa Maliba, President of the UDPS, on June 13. On July 5 the Civil Guard, the paramilitary police force, arrested Leon Muntuntu Kadima, a member of the National Secretariat of the UDPS and one of Tshisekedi's counselors, after he denounced Kengo's election. Muntuntu was detained incommunicado and without charge until September 16, during which time he was tortured.

Shaba, Zaire's mineral rich province, continued to offer the clearest case of the government's manipulation of ethnic and regional divisions. A government-inspired campaign of terror that began in August 1992 caused approximately 500,000 Shaba residents to be displaced from their homes in the neighboring region of Kasai. While Kengo denounced the expulsion of Kasaians from their homes, he has taken no action to facilitate their return.

The influx of between 800,000 and 1,400,000 Rwandan refugees into eastern Zaire in mid-July significantly heightened the level of instability in this region. Public infrastructure grew even more overburdened, and cholera and dysentery became widespread. The arrival of thousands of Hutus, many of whom were heavily armed, in the North Kivu region reportedly exacerbated pre-existing tensions between local Zairians and villagers of Rwandan origin (Banyarwanda). Aid agencies estimated that 250 villagers died in ethnic clashes and 32,500 villagers fled their homes between September and November.

The security situation in the refugee camps in Goma, Zaire became increasingly volatile by the end of 1994 due to the activities of former Rwandan army troops and militia members, most of whom were still armed, the failure of the Zairian military to exert control over the refugees, the involvement of Zairian troops in widespread violence and extortion in the camps, and banditry. Zairian soldiers, sent to Goma after the mass influx of refugees in July, looted from both refugees and Zairian residents and were reportedly responsible for a number of killings of civilians in Goma. They committed such abuses with apparent impunity.

In February 1995, Zairian troops began deploying under UN auspices to keep order in Goma and Bukavu. This marks the first time that a country's troops are being used as peacekeepers on their own territory. It is expected that 1,500 Zairian troops will be deployed in the operation.

RECOMMENDATIONS

-In Angola, the US should provide for the deployment of U.N. human rights monitors and peacekeepers, and assist in setting up an immediate arms embargo.

-In Burundi, the US should encourage the establishment of the judicial commission requested by Burundi government to investigate and bring to justice those responsible for the assassination of President Ndadaye and the ensuing violence. The US should also encourage its ambassador to continue to play a forthright and courageous role in bringing attention to continuing human rights violations.

-In Ethiopia, the US must begin close observation of the electoral process to ensure that the elections will be free and fair and that human rights will be respected.

-In Kenya, the US should press the Kenyan authorities to allow access by human rights monitors and journalists to the areas of the Rift Valley that have been the sites of ethnic clashes.

-In Liberia, the US should use to appointment of Special Envoy Dane Smith to raise the profile of Liberia and pressure the warring factions to immediately begin disarmament and demobilization.

-In Nigeria, the US should strength the limited measures imposed after the 1993 election

annulment, and use its leverage with the multilateral institutions to block all non-humanitarian loans to Nigeria.

-In Rwanda, the US should help expedite the immediate dispatch of magistrates and prosecutors to assist the Rwandan judiciary. The US should also contribute and encourage others to contribute to the funding for the International Tribunal on Rwanda. Finally, the US should assist the government of Rwanda in launching prompt and efficient prosecution of those in authority responsible for current violations of human rights, including attacks on Hutu civilians.

-In Zaire, the US should closely monitor the behavior of Zairian troops now acting under UN auspices in Goma. The US should also assist in the deployment of human rights observers throughout Zaire in preparation for the presidential elections.



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Testimony of Amnesty International USA
 Before
 The House Committee on International Relations
 Subcommittee on Africa
 On Human Rights In Africa
 Wednesday February 22, 1995

Introduction

Chairperson Ros-Lehtinen, on behalf of Amnesty International USA I would like to congratulate you on taking up the position of Chairperson of the House Subcommittee on Africa. I would also like to congratulate all the new members of the Subcommittee and welcome back members from last year. AIUSA would like to applaud the Subcommittee for holding these hearings. The House Subcommittee on Africa has long been a critical focal point of action on Africa, for policy makers, for the American people, and for African governments themselves. The swiftness with which these hearings have been convened, as well as the subject matter, will serve as a reassurance for all of those groups that Congress intends to remain involved and supportive of the efforts of Africans and friends of the continent to develop and improve the protection of their fundamental human rights.

These hearings that review the state of human rights in Africa offer all of us, rights groups, policy makers and friends of the continent, a valuable opportunity to evaluate where things are, where they could be, and how to develop proposals that will contribute to improving the human rights situation in Africa.

In our testimony today AIUSA will focus on the following.:

- Identifying and highlighting trends and patterns of action that have affected fundamental human rights in Africa throughout 1994 and which the continent will continue to face in 1995.
- Highlighting key African countries which are entering a critical phase in terms of how successful or unsuccessful they have been in protecting and promoting human rights. This includes countries where:
 - (a) progress on protecting human rights can be furthered and consolidated,
 - (b) where crises can still be avoided,

Amnesty International is an independent worldwide movement working impartially for the release of all prisoners of conscience, fair and prompt trials for political prisoners and an end to torture and executions. It is funded by donations from its members and supporters throughout the world.

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- (c) crises are in progress and can be contained or upheavals ended.

If there is one lesson to learn from Africa in 1994, it is that simply documenting or warning of impending human rights crises will no longer suffice -- analysis must be accompanied by action. AIUSA fervently hopes that these deliberations will, through working with African governments and non governmental organizations, lead to concrete, assertive actions taken by the United States and the international community, thereby moving beyond band -aid -type solutions.

1. Summary Overview of 1994

In terms of human rights, 1994 was a year of striking extremes for Africa. On the one hand, the end of apartheid was peacefully negotiated in **South Africa**; the first free, fair, democratic elections in almost thirty years were held in **Malawi**, and the brutal conflict in **Mozambique** ended in elections supervised by the United Nations. In all of these cases serious human rights violations had been endemic and systematic, as a result of actions by either government or armed opposition groups.

At the same time -- unnoticed for the most part by the international media -- were countries like **Botswana** and **Namibia** which maintained laudable records regarding the respect of human rights. Others, such as **Ghana**, **Cote D'Ivoire**, and **Benin**, continued to improve their records despite some backsliding, which drew the attention of both local and international human rights groups.

The countries with full-blown crises in 1994 included **Liberia**, **Sierra Leone**, **Angola**, **Sudan**, and, of course, **Burundi**, **Rwanda** and **Somalia**. In all of these cases, the respect and protection of fundamental human rights has been questionable at best, and, at worst, resulted in the most rapid progression of genocide in history with the slaughter of a staggering figure of up to one million people in **Rwanda** between the months of April and July. Despite the chance of lasting peace finally coming to **Angola**, the fact that **Liberia** may at long last emerge from an endlessly splintering internal conflict as a result of new energy and initiatives by the Economic Community of West African States (ECOWAS), or even the fervent hope that the worst has already passed in **Rwanda** and that the country might now begin to build lasting peace and stability, do not necessarily make the further protection of human rights a priority of the key actors in these nations.

In addition to those countries already in crisis there are those who are close to the brink. This includes countries like **Cameroon**, **Ethiopia**, **Kenya**, **Nigeria** and **Togo**. Amnesty International does not differentiate countries based on classes of acceptability vis-à-vis human rights violations. However, countries do differ by virtue of the scale of conflict and by the fact that there continue to be governments who remain responsible for the stability of their countries and the well -being of their people. These are the governments who, with pressure and encouragement from the international community, can and must act to prevent the descent of countries into crisis.

- a. Government Manipulation of Ethnic Tensions

- b. Criminalization of Civil Society and Human Rights Work
- c. Human Rights Violations Perpetrated by Non-Governmental Entities
- d. Declining Economic Conditions and Human Rights Violations

1a) Government Manipulation of Ethnic Tensions

Ethnic tensions are not unique to Africa, they are an unavoidable fact of humanity simply because of human diversity. The critical difference is often the role played by governments in preventing, limiting or ending the violence. In Africa, the role played by governments has usually failed to limit or prevent ethnic tensions from escalating, and all too often has deliberately inflamed such situations.

In **Rwanda**, the genocide was organized, supplied and implemented by an extremist Hutu - based government against members of the Tutsi ethnic group and moderate Hutus who opposed government practices. In addition to allowing the Radio des Mille Collines to relentlessly broadcast hatred and violence, the Rwandan security forces, members of Interahamwe, and the armed Hutu militia directly incited or coerced members of the general public into massacring Tutsis and moderate Hutus, irrespective of the fact that those they were killing had been their next door neighbors for years.

In **Sudan**, the military regime headed by Gen. Omar Bashir has pursued a violent campaign to impose a fundamentalist interpretation of Islamic rule throughout the country. They have regularly armed and encouraged members of the Hawazma, Rizieqat and Misseryia ethnic groups to attack and raid Nuba and Dinka villages. This has resulted in a significant loss of life, incidents of rape, and the enslavement of captured women and children.

In **Kenya**, the KANU-based government of President Daniel arap Moi has incited members of the Kalenjin ethnic group, of which President Moi is a member, into forcibly seizing land from other groups, and making use of security forces, as well as armed civilians in the Rift Valley region. This campaign has resulted in the loss of hundreds of lives and the destruction of dozens of villages. The fact that the government has severely restricted access to the region by any international or Kenyan-based human rights group to conduct investigations since 1991, has only added to the government's guilt in the ongoing tragedy.

1b) The Criminalization of Civil Society and Human Rights Work

Even as governments in Africa continue to resort to the manipulation of ethnic tensions to consolidate their control, or neutralize critics and political opponents, many governments have adopted sophisticated techniques to achieve the same goals through their judicial systems, thereby giving their actions a veneer of legality. The criminalization of civil society and any voices that challenge government policies or actions has been refined as a method of harassment.

As part of a six-month, global campaign on the **Sudan**, Amnesty International is seeking to highlight the ongoing human rights violations which have devastated the country and helped create one of the world's worst humanitarian crises. One aspect of the work has been to address the government's efforts to hide its human rights violations with either legal underpinnings or behind a veil of religion. The introduction of a Penal Code in 1991, based on a fundamentalist interpretation of shari'a brought with it provisions allowing for public flogging and amputation. This violates Sudan's commitment to both the African Charter on Human and Peoples Rights and the Covenant on Civil and Political Rights. It has also helped create an atmosphere of fear and intimidation in which the government has arrested critics, banned papers and disbanded human rights organizations, replacing them with government-created entities.

In **Nigeria**, the military regime, led by General Sani Abacha, has gone the extra mile to create legal backing for its actions. This has included the production of decrees removing habeas corpus (Decree 14, 1994), the negation of the judiciary's ability to look into any action undertaken by the government (Decree 11, 1994), and the official disbanding of the democratically-elected executives of Nigeria's trade unions which allowed the government to justify their arrest weeks earlier (Decree 12, 1994). In September, the government officially banned the Punch, Concord and Guardian media groups by passing legislation backdated to June and August. The regime routinely flouts the few remaining court rulings and due process. This has meant regular arrests and periods of detention for newspaper journalists, lawyers and students. It has also meant the arrests of human rights activists like Dr. Beko Ransome-Kuti -- head of the Committee in Defense of Human Rights, and a leader in the Campaign for Democracy (CD) and National Democratic Coalition (NADECO) -- who was arrested, detained or summoned for questioning almost a dozen times. Femi Falana, founder of the National Association for Democratic Lawyers, and also a leader in the CD and NADECO, was picked up in June, September and again in December 1994, even as he was preparing to defend yet another human rights activist, Kenule Saro-Wiwa.

Mr. Saro-Wiwa -- founder of the Movement for the Survival of the Ogoni People (MOSOP), a minority group in Rivers State in the Niger delta -- has been leading a non-violent campaign against environmental degradation caused by oil drilling, as well as for a more just allocation of oil revenues. Despite being the producer of the country's greatest source of wealth, the region remains mired in poverty and under-development. The government's response to these problems has been violent. Police and security forces have been involved in raids on Ogoni villages, the destruction of farmlands, and extrajudicial executions. Mr. Saro-Wiwa was arrested in May, 1994 but was not charged with murder until December. His trial, scheduled to start in January, has already been postponed at the request of the government.

In **Kenya**, similar delaying and stalling tactics have been employed where criminal charges (based on questionable evidence and enacted through a judiciary subject to significant control by the president) have resulted in ruinous financial penalties and lengthy, costly trials for critics of the government. Those defendants who are out on bail are also forced to report daily to distant police stations. While this tactic is not as brutal as detention, the effect has been the same: the immobilization or neutralization of the targeted person.

Two of the best known cases are the trial of Koigi wa Wamwere, and that of the well-known lawyer G.B.M Kariuki, the editor of **The People**, Bedan Mbugua, and one of the paper's reporters David Makali. Mr. wa Wamwere, a former member of Parliament, along with Charles Kuria Wamwere, James Maigwa and G.G. Ngjuguna Ngengi, all members of the human rights group The National Democratic and Human Rights Organization (NDEHURIO), were arrested and charged with attempted robbery and violence. This occurred despite huge gaps in the state's case such as the fact that Mr. wa Wamwere was in Nairobi at the time the raid on the Bahati police station occurred or the testimony of the medical officer at the trial who noted that the body of the person supposedly killed during the raid was too old to have been killed at the time stated by the police.

The case of Messrs. Kariuki, Mbugua and Makali exposed the lengths to which the Moi government would go to "legally" harass and silence its critics. In this case, a quote by Mr. Kariuki in another publication, criticizing a recent judicial ruling as the result of political interference, was referred to by **The People**. Despite provisions for free speech in the Kenyan constitution and questions as to whether Mr. Kariuki had been misquoted, the Court of Appeals brought contempt of court charges against all the men and the newspaper, and then proceeded to hear the case itself. Upon finding all charged guilty, the court imposed unprecedented fines on all three. The end result was a chilling rebuke on Kenya's free press, crippling financial charges to Mr. Kariuki and the imprisonment of Messrs. Makali and Mbugua, who refused to pay the fine.

With such "legal" practices being employed in **Zimbabwe, Zambia, Tanzania, Sudan, Ethiopia and Cote D'Ivoire**, and even in relatively politically open countries like **Ghana and Uganda**, it becomes clear that the manner in which the international community evaluates the progress of societies which support human rights will have to become even more adroit and comprehensive. A more comprehensive approach, such as this, would also be beneficial for monitoring the progress of democratization in various countries. Furthermore, it would transform the criteria for measuring success from simply the holding of elections.

Such an approach would give solid reinforcement to human rights activists like the Ugandan lawyer Henry Kayondo, Kofi Samuel Woods with the Commission for Justice and Peace of the National Catholic in Liberia, Guillaume Ngefa Atondoko in Zaire, Chief Mrs. Priscilla Kuye in Nigeria, Wangare Mathai of Kenya or Monique Mujawamariya of Rwanda -- all of whom persevere in their attempts to promote and protect human rights in the face of overwhelming obstacles and resistance.

1c) Violations perpetrated by non-governmental entities

Another disturbing trend spreading throughout Africa is the number of human rights violations being committed by armed opposition groups, and the further splintering of these groups.

The internal conflict in **Liberia** now involves at least five armed groups, all of whom are divided along ethnic lines. Among them are the Armed Forces of Liberia (AFL), Lofa Defence Force (LDF), Liberia Peace Council (LPC), National Patriotic Front of Liberia (NPFL), People's Redemption Council (PRC), United Liberation Movement for Democracy in Liberia (ULIMO) . Each of the groups is vying for control, yet they are contemporaneously providing "their own territories" with limited ,if any control, since they are rampaging throughout the country. Furthermore, they have no visible policy or framework for the country's rehabilitation, and their human rights records have been appalling, resulting in the loss of thousands of lives. Some of these may even be attributable to ECOMOG itself. Nevertheless, the role played by these factions has been horrific and difficult to censure.

A similar situation has gripped **Sierra Leone** and is leading the country steadily along the path to total disintegration. The human rights violations committed as part of the campaign by the Revolutionary United Front (RUF), which is led by Foday Sankow against the military regime of Capt. Valentine Strasser, has made no distinction between combatants and non-combatants. In fact, the RUF seems to be a force more focused on robbery and murder than on an actual political agenda.

In **Sudan**, the armed opposition in the southern part of the country, the Sudan Peoples Liberation Army (SPLA), splintered into two factions in 1991. Both factions have been systematically brutalizing non-combatants; men have been forcibly recruited or forced to carry supplies for days; captured women are raped, killed for resisting, or even taken as "common wives" if not sold into "domestic" slavery. Young boys are sent for "safe-keeping" to training centers for service later on. Both factions continue to execute common villagers suspected of supporting rival factions, razing farmlands, looting cattle and the meager supplies in these villages, and preventing the delivery of food aid to an estimated five million Sudanese who are currently facing starvation , largely as a result of the civil war. The SPLA Mainstream, led by John Garang and the SPLA United, led by Riek Machar, have been even more brutal with captured rival faction soldiers; none is taken prisoner.

Probably most vividly etched in the minds of Americans is the case of **Somalia** where, after millions of dollars and staggering loss of human life, there now remain only remnants of the UN force who are focusing on safe evacuation amidst the inter-clan warfare.

Governments have also created, funded and armed so called independent entities as part of their effort to eliminate armed opposition forces or to intimidate the public. In **Sudan**, the Khartoum government created the Peoples Defense Force (PDF) and the Security of the Revolution who possess great power and authority, even as their legal status remains cloudy. The PDF, along with the Sudanese army, have been responsible for a large portion of the brutal rights violations which led to the displacement of some 5 million Sudanese, and millions of others forced to seek refuge outside the country. The Security of the Revolution regularly monitor the actions of the Sudanese in the north. They can arrest and detain suspected critics, and have been linked to torture in the country's prisons, and its unofficial facilities, called ghost houses.

While we can effectively identify and verify the guilt of such actors, bringing them to justice and ending their violations is extremely difficult. They cannot and must not be left unchecked. Nor can the sources of support for these actors, be they financial or in the form of military supplies, be written off as a fact of life beyond exposure and sanction. The result would be a complete breakdown in adherence to the rule of law or to accepted rules of war, and an inevitable descent into anarchy would undoubtedly ensue. This would result in increased costs to regions outside of Africa through expanded humanitarian aid needs and an explosion of refugee migration issues. While some may believe that it is possible to fence out the rest of the world with all of its problems, they seem to forget the cost of maintaining that fence, and the fact that no barrier is impermeable.

1c) Declining Economic Conditions and Human Rights Violations

A final trend to identify is one which Amnesty International does not work on directly, but follows closely. That is the link between deteriorating economic and social conditions and human rights violations. The indivisibility and universality of human rights was re-affirmed last year at the Word Conference in 1994 . The link between the two might be clear in informal conversations or even in deliberations such as this, but policy and actions, by and large, continue to separate civil and political rights from economic and social challenges or vice versa. This prolonging the debate between pursuing one or the other first in the hope that the other will follow eventually. These debates only undermine efforts to help the continent find move forward. Speaking as an African, let me state that, in Africa , there is an understanding that we do not have the luxury of building one type of right with the hope that the other will follow. Both must be pursued simultaneously.

Africa's desperate economic situation is not new nor , is it totally accurate. Just as there are countries making progress on civil and political protections, there are countries making similar strides in the economic frontier, and these are in addition to the current points of interest in southern Africa. Despite these possibilities, the continent remains financially marginalized in the global economy and the perception of a continent in endless crisis and need have contributed to donor fatigue, and relief weariness, even here in Congress. It is essential that policy makers caught up in that donor fatigue realize the linkages between development and support for societies which respect human rights. Policy makers should also be aware of the manner in which their actions are interpreted. The disengagement of the United States could encourage human rights violators to act in an even more brazen manner or imply a lack of importance for international law and human rights. Amnesty International cannot believe that this is the sentiment or intent of U.S. Congress or the American people. We urge this subcommittee to take a lead in reaffirming America's leadership on and commitment to human rights and the rule of law in Africa.

2. Key Countries: Consolidating Successes and Preventing Disasters

AIUSA would like to identify countries where the United States in concert with other members of the international community, could and should take action, either to consolidate gains

in supporting societies that respect human rights, to prevent crises from erupting or to alleviate those already in crisis which threaten whole regions. Having spent the first half of this document on negatives, we will start with a few situations where the potential successes would be huge both in real terms and symbolically.

2a) Consolidating Successes

South Africa: having achieved the first phase of building a new democratic society, the country stands poised to lift and lead southern Africa into growth and prosperity, with the help of the international community. Similar potential exists in the area of promoting and protecting fundamental human rights, by setting powerful examples in establishing professional, impartial security forces and making the nature and procedures of the rule of law understandable and accessible to the ordinary women and man. The stature of President Mandela, and with the assistance of the international community, the example of the South African transition make for an irresistible call to action. The potential positive impact of such a joint effort would be comparable to the excitement that swept the continent when Ghana achieved independence in 1957. Such an opportunity must not be squandered.

Equally critical will be dealing with South Africa's past through the process of accountability and reconciliation. The efforts and success of the work of the Truth Commission will form an essential foundation if the peace in South Africa is to prove durable. Here too, the involvement of the international community in consolidating the goals of the anti-apartheid struggle: empowering and educating the South African people about roles and responsibilities of government and individuals will be essential and this ultimately be the real litmus test of success and failure.

Malawi: finally threw off some 30 years of ruthless autocratic rule with the election of Bakili Muluzi in the first half of 1994. The challenge is to ensure that the total domination over all aspects of life enjoyed by the Malawi Congress Party and the human rights violations that accompanied such power are never replicated by any party.

The campaign to help educate the Malawian people about their rights and the government's responsibility to serve and protect them will be critical and will demand the imaginative use of the country's broadcasting facilities. Similar efforts should be aimed at helping rebuild a judiciary almost completely discredited by MCP control. This would involve helping with legal training and encouraging and monitoring efforts at accountability for past abuses.

Ghana: continues in its progress towards building a multi-party democracy, yet the accompanying development of independent, impartial institutions to protect fundamental rights lags behind, raising questions as to the possibility that conditions for elections in 1996 will also be undermined by allegations of violence, intimidation and fraud.

With the international community already heavily involved in the country's economic rehabilitation, strengthening the court system and the police force, as well as monitoring freedom of association and expression, would consolidate a success, something which the West African region badly needs more of.

2b) Preventing Crises

Nigeria: in just one year under the regime of Gen. Abacha, the country has been subjected to legislation closing down specific media houses, banning all organizations, removing habeas corpus, extending administrative detention to 3 months, renewable, and eliminating the authority of the courts to question the actions of government. All this while avowing a commitment to return to the country to democratic rule.

Nigeria's significance goes beyond having the largest population in Africa at over 100 million, it is a key regional player and is currently funding and running the ECOMOG peace keeping operation in Liberia. The country was also a leading shaper of the international effort to end apartheid. With growing unrest, worsening economic conditions and ethnic tensions rising in the north as well as the south, the question is how to prevent Nigeria from exploding.

Both Nigeria's size and symbolism demand the engagement of top officials in the U.S. government. Unprecedented public pressure must be brought on the government to live up to its obligations and promises of moving the country back to the path of elected accountable government. The supremacy of the rule of law must be re-established and enforced by bringing those guilty of violations to justice. Deadlines must be set and levers of pressure must be used now. A failure to act in a timely manner helped contribute to the debacle in Rwanda last year. Making the same mistake with Nigeria could potentially create an even bigger disaster.

Kenya: long considered a key country in terms of U.S. security policy around the horn of Africa has too long been shielded from constructive criticism. Any upheaval would add to the turmoil created by Somalia and Sudan and could overwhelm the hard fought peace now being enjoyed in Ethiopia and Eritrea.

The government's record in dealing with events in the Rift Valley, its outright harassment of the media, opposition politicians and human rights activists have exposed Kenya's drift into violence and possible instability. The control over the judiciary and the security forces are eliminating options for conflict resolution between opposition groups even as government policies are creating a growing underclass of internally displaced Kenyans and other refugees.

The Moi government must be confronted directly and in no uncertain terms that its efforts to hide acts of repression behind legal provisions are in conflict with its obligations to international conventions and to the Kenyan people. It cannot continue.

2c) Containing the Crises:

Sudan: the continuing violations perpetrated in the conflict areas as well as outside those areas continue to prevent any meaningful effort to address the humanitarian crisis. Amnesty International's 1995 campaign is geared toward raising awareness, around the world, about that crisis, the human rights issues at its root and the role that the international community must play if the region is ever to know peace and become self sufficient.

Rwanda: while Rwanda enjoys some level of calm at present, the presence of former government troops on its borders organizing the refugee population in Zaire present a real possibility of renewed fighting, something the country can ill afford. Internally, humanitarian needs keep the RPF government in a beleaguered state and when one adds the pressing need to see the wheels of justice and accountability begin, the potential for a relapse becomes all too clear.

Burundi: events in Rwanda will also heavily affect the situation in Burundi which continues to flirt with disaster. The response of the international community has been commendable, but it must be sustained. As in Rwanda, the issue of accountability is critical, both for building reconciliation and for beginning the work of limiting the range of actions groups in both countries and elsewhere in Africa will contemplate as they pursue their goals. It is essential that standards of acceptable behavior both in and out of war begin to be re-imposed.

Liberia and Sierra Leone: remain mired in violence and internal conflict. Liberia faces the spiraling internal conflict and its growing number of armed groups determined to carve out their territory and force their way to the negotiation table continues despite of recent regional efforts by the current Chairman of ECOWAS, President Rawlings of Ghana, to have all combatants sign a peace agreement in Akosombo Ghana. The brutality of the violations has left few parts of the interior of the country free from conflict even if there are no combatants based in those areas. Much like Rwanda and Burundi, the Liberian upheaval has exacerbated the situation in Sierra Leone, where the same type of carnage is being perpetrated by the military government and the rebel RUF.

3. Recommendations

Given Africa's potential, both for crisis and for success, AIUSA feels that the it is time for a thoughtful and aggressive policy be implemented toward the continent involving the White House, the State Department and Congress.

The leadership role the President could play in crisis prevention and consolidating the protection of human rights are many. The President could co-host a conference with President Mandela on Human Rights issues affecting the continent. He could also take a clear stance on the growing crisis in Nigeria and Kenya, as opposed to the quiet diplomatic approach which has left the

one country so close to a violent upheaval and allowed the other to relapse into pre-election repression, however refined it may have become.

Secretary of State Christopher must discover the continent. With the potential for peace rising in Angola, a visit there would show both the Angolan government and UNITA that there can be no return to war. A similar situation exists in Liberia, where a such a visit would not only reinforce the message to all factions that they "get on the ball", but could also have positive spillover effects in Sierra Leone.

The role to be played by Congress is equally critical as members of congress could meet with a broader spectrum of people and convey the message to the key actors and to the common people that people in the United States care.

AIUSA hopes that the same energy the subcommittee Chair brought to her work defending rights in Cuba will benefit Africa. Members of the subcommittee should visit countries like Kenya and engage members of the parliament and leaders on Kenya's beleaguered civil society. Indeed a briefing with leading human rights activists from several different countries would offer members of congress an enlightening viewpoint. We would also encourage the Chair and members of the subcommittee to attend a session of the African Commission for Human and Peoples Rights. It is high time that Africa's leaders be engaged on their own ground in front of their own people.

Following are a few recommendations:

a) Central to all of the situations listed above is the issue of enforcing accountability, promoting the rule of law and strengthening adherence to international standards. The United States can play a leading role in the effort by working to establish an International Criminal Court and supporting the work of the Rwanda War Crimes Tribunal, both financially and in spirit.

Support for African initiatives on conflict prevention (the OAU Conflict Prevention Mechanism) or peace keeping (ECOMOG) should also encourage making human rights as a central part of planning and implementation, be it in the field or in negotiations. At the same time, any disengagement from international fora, like the United Nations, through decreased involvement will only allow countries like Sudan to legitimize its pick and choose approach to what international conventions to abide by.

The efforts by the United States in this regard have been commendable but similar levels of engagement must be accorded to the Truth Commission in South Africa, the trials of former Mengistu government officials in Ethiopia, and of former members of the Banda regime in Malawi. This could greatly assisted energetic U.S. embassy staff on the ground.

b) At the national level, assistance and moral support can play a critical difference. The leadership of former Ambassadors Smith Hempstone in Kenya and Melissa Wells in Zaire and Mozambique should serve as examples of what can be done by simply not remaining silent.

Countries like Malawi, Ghana and South Africa would benefit for steady support, even when it includes friendly criticism.

c) In this regard the subcommittee could also highlight those countries moving forward as well as the actors, both governmental and non-governmental responsible for that progress. If the subcommittee were to create a more sophisticated awareness of Africa alone for the public and for policy makers, it would have achieved a significant goal.

d) For those countries floating on the edge the Kenyas, Nigerias or Cameroons - a clear unmistakable warning must be issued even as support for civil society, symbolically and in real terms, should continue and be made public. This subcommittee can bring enormous pressure on these countries by challenging them to justify their actions or change direction.

Thank you

TESTIMONY OF

PATRICK J. O'FARRELL, EXECUTIVE DIRECTOR THE AFRICAN-AMERICAN LABOR CENTER, AFL-CIO

Thank you Madame Chairperson and members of the Subcommittee. I am Patrick J. O'Farrell, Executive Director of the African-American Labor Center (AALC), American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). I welcome this opportunity to present the views of the AFL-CIO on human and trade union rights in Africa.

The African-American Labor Center is an international institute of the American Federation of Labor and Congress of Industrial Organizations which is dedicated to the promotion of democracy and the development of independent trade unionism in Africa. The AALC has been conducting AFL-CIO programs on the African continent since 1964. Today, we have representatives in seven countries (including Egypt, Ivory Coast, Kenya, Nigeria, Senegal, South Africa and Zimbabwe) who work with over 300 trade unions organizations in 30 countries. Within this framework, the AALC is in a unique position to support the tens of thousands of workers who have been at the forefront of grassroots movements for democratic reform and in defense of human and trade union rights.

Madame Chair, you and the members of the Subcommittee have heard much about the well-publicized political disintegration and the derogation of human rights afflicting many of the countries and peoples of Africa. You are all too familiar with the tragic events in Zaire, Somalia and Rwanda, to mention just a few. Instead of repeating what others have already said about these simmering cauldrons and hot spots, I will focus my remarks on African workers, their labor movements and their on-going struggle to safeguard the rights of their members and all citizens by nurturing fragile democracies, where possible, and by protecting trade union and human rights.

Madame Chair, members of the Subcommittee, the message I want to deliver is simple and direct. Protecting the rights of workers and trade unions in Africa is critical to promoting democracy, good governance and economic development on the continent and, by extension, in this country.

Trade unions are one of the few grass roots organizations that survived the brutality and systematic destruction of civil society in the post-independence period. Their ability to organize great numbers of workers, to call strikes and to cripple major industries and governments have given them credibility and strength unrivaled by any other indigenous organizations. In recent years they have used this power effectively in mobilizing democratic forces against military dictatorships and despotic governments just as it was used more than a quarter century ago against the colonial powers. As organized workers have succeeded in advancing democracy, and in preserving their own right to form unions without government interference and to organize and bargain with their employers, they have created a climate supportive of the rights of all citizens, regardless of race, religion, ethnic origin and/or gender.

African workers have been on the front lines of the struggle for democracy and human rights since long before independence, starting in the late 1950s. Spurred by the democratic impulse, they organized themselves and formed trade unions to counter the tyranny of colonialism and the exploitation by European employers. Although, in many instances they led the fight for self-determination, immediately after independence, their freedom to exist as independent organizations, to defend the interests of their members and to take action against their employers in support of those interests were sharply curtailed by powerful leaders and military dictators who brought the full force of state power against democratic forces.

The survival of trade unions in the climate of fear and intimidation which characterized post-independence Africa, often meant sacrificing the ideals of independence, freedom and trade union democracy in favor of personal and institutional survival. Despite these obstacles, many of these indigenous African unions organized and unified workers across ethnic, geographic, religious, gender and tribal lines; held reasonably fair and democratic elections; and, resolved conflicts with employers and governments through negotiations and compromise. When no other action succeeded, they brought together a wide diversity of workers in defense of common principles of fairness, equity and social justice.

For these reasons, we in the AFL-CIO view African trade unions as schools for democracy. Unions are the place where citizen/workers, many of them with little or no formal schooling, learn to raise their hands, be recognized, get up and say something. They learn how to organize and run a meeting, about the rules of parliamentary procedure and about living with, and respecting, dissenting views. More importantly, they learn to respect the power of the ballot box as the final arbiter in leadership selection: voicing the will of the people.

Even where the mechanisms of collective bargaining do not exist, unions are often the only mass-based democratic institutions that can counter entrenched tyrannies and ruling elites. In 1989 when the winds of democracy began to blow across Africa, trade unions were there leading what has been called the second democratic revolution.

In one country after another--Benin, Mali, Niger and Zambia--trade unions were at the forefront of movements that, within a few years, transformed the political landscape of Africa. At great personal risk, union leaders took actions that weakened authoritarian regimes and brought down entrenched leaders. They organized national conferences that established new constitutions and rules for multiparty elections. And, when the people demanded democracy, trade union leaders served in transitional governments and vacated their positions after new leaders were selected through multiparty elections.

In South Africa, the Congress of South African Trade Unions (COSATU) and the National Congress of Trade Unions (NACTU) organized over 1.5 million workers, who relentlessly pressed the white minority government to negotiate an end to apartheid and to hold multi-racial elections that were open to all citizens.

As the South African government of national unity prepares to celebrate its first anniversary one could ask, where would South Africa be today if black workers did not win limited rights to organize and form unions in 1979? The answer comes from U.S. Labor Attaché Tom Shannon, who pointed out labor's role in that crucial victory for democracy when he said, "The trade union movement in South Africa has been crucial to the political transition...I don't think it would be an exaggeration to say that, next to Poland's *Solidarity*, no other trade union movement has played such a crucial role in the political transformation of a country."

Although there have been examples of success for trade unions and other democratic forces since 1989, the AFL-CIO is deeply concerned by the recent turn of events in Africa. Many heads of state that survived multiparty elections, are now ruling the same way they ruled during single party government. They have divided the opposition, closed down the press, and suppressed human and trade union rights in their fight to cling to power. In other instances, entrenched rulers have successfully thwarted the tide of democratic change and continue to hold onto power. Several countries, including Cameroon, Togo, Kenya and Nigeria are at a crossroads in this respect.

Kenya is a glaring example of how difficult it is for pro-democratic movements to hold on to their successes. In 1992, a coalition of pro-democracy groups, including the unions, succeeded in forcing President Moi to hold the first free multiparty election in almost three decades. However, due to divisions within the opposition, President Moi was able to hold onto the presidency. From that point on, Moi and his supporters began a single-minded attempt to turn back the clock.

The arrest of Joseph Mugalla, the General Secretary of the Central Organisation of Trade Unions-Kenya (COTU-K) on May 1, 1993, marked the beginning of a ten month government-led attack on the legitimately-elected COTU-K leadership aimed at removing it from office.

COTU-K was not the only labor organization targeted by the government. When university lecturers at Kenya's public universities attempted to organize, they were met by severe government opposition. Twenty-four lecturers were fired when the lecturers' union struck in an attempt to win legal recognition. Police in

full riot gear sealed off the University of Nairobi's main campus to prevent people from signing a petition to the African Commission on Human rights and the United Nations urging the international community to pressure the Kenyan government to respect freedom of association. Police raids to crush student support for the striking lecturers resulted in 18 students being hospitalized for injuries. Eventually striking lecturers and their families were forcibly evicted from university housing. The interim chairman of the lecturer's union was arrested and charged with inciting violence and holding an unlicensed meeting, which carry a possible penalty of up to two years imprisonment. Several union members were taken into custody, interrogated and threatened for organizing and attending meetings concerning the strike. When the Human Rights Commission of Kenya appealed to President Clinton to pressure President Moi into registering the university lecturers' union, Moi stated that "it is a treasonable offence for a citizen to call on a 'foreign power to meddle in the affairs of Kenya.'" Sixteen months after the public university lecturers' strike began, the situation has resulted in a stalemate. Although Kenya's major public universities have reopened, the government still refuses to register the lecturers' union.

The government has similarly refused to recognize the constitutionally-sanctioned right of "association" representing doctors, dentists and civil servants. Government action against a possible strike of doctors included a threat to revoke the licenses of private clinics which tried to assist many of the striking doctors.

Government intimidation has not been limited to the unions, but included attacks against all individuals and organizations perceived as a threat to Moi's ascendancy.

The freedom of the press has been severely compromised by the administration's actions. Journalists were arrested for reporting that police officers fired their weapons at a polling station during a by-election, that the government planned to assassinate the chairman of the Forum for Democracy (FORD), and that ethnic unrest was continuing. Following public criticism of the government for its attack on freedom of association, the editor of a Kenyan weekly paper was confronted with a contempt of court suit filed by the Attorney-General.

The freedom of ordinary citizens to hold public meetings has also come under attack. President Moi announced that all seminars on democracy would be "vetted" to ensure that they were not "planning subversion under the guise of democracy". Police officers clad in full riot gear, and armed with rifles and clubs, stormed a Catholic convent to disperse a women's group seminar on democratization. Police fired into the air to disrupt a seminar by the National Council of Churches of Kenya intended to inform community group leaders about loans to small businesses.

The personal freedoms of non-citizens have also been violated. Dr. Dorothee von Bretano of a German-based aid agency was deported from Kenya in June, following months of harassment by the security forces which included the bugging of her telephone and home. As a result of the expulsion, the aid agency decided to wind up its activities in Kenya and close its regional office after over two decades of operation.

In Nigeria, there was a similar, but more direct, attack against pro-democracy forces when the military government went beyond the arrest and detention of political and human rights activists by arresting trade union leaders, seizing their headquarters and dissolving their national executive committees by decree. The events leading up to the government's actions began when two Nigerian oil workers' unions [the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSEN)] went on strike to protest the economic situation in the oil industry, call for release of all political detainees and protest the abrogated results of the Nigerian elections in June, 1993 which were annulled by the military regime. During the strike, General Abacha's government used the armed forces to block strike activities arresting and detaining several trade union leaders engaged in peaceful protests.

In early August a National Constitutional Conference (CONFAB), was convened. Although the Abacha government indicated that the CONFAB would address anxieties expressed by citizens over the military ruler's growing intransigence, many Conference delegates were hand-picked. The military government's attempt to "stack the CONFAB's delegates" became clearer when Nigeria Labor Congress (NLC) President Pascal Bafyau, who had been selected as a delegate, was denied his seat on the CONFAB after his union position was dissolved by the Abacha government.

Labor's attempt to seek redress in the courts failed when a ruling declared that the courts had no jurisdiction in matters of dispute between organized labor and the government. Since the ruling, many progressive forces have gone underground to reassess their positions and their strategies.

Thus far, despite strong protests by the AFL-CIO and the international free labor community, several strikers remain in prison without charge; the assets and the headquarters of the national trade union center, the Nigeria Labor Congress, and the two oil workers' unions are still being held by the army; the NLC is presided over by a government-appointed "Administrator".

The AFL-CIO, and indigenous trade unionists, have met similarly direct anti-labor, anti-democracy resistance in other countries. As I speak, we are working with the Nigeria Labor Congress, all 41 trade union affiliates, their

members and a coalition of like-minded, progressive citizens to help restore democracy to the trade unions and, by extension, to the entire country.

In light of developments I have cited in South Africa, Kenya, Nigeria, (and in other African countries) it should be clear to you Madame Chair, and members of the Subcommittee, that:

- 1) Trade unions are a major force in Africa's fight for democracy;
- 2) In many countries, as a direct result of their challenge to dictatorship and their commitment to democracy, trade unions are being consistently targeted by anti-democratic forces;
- 3) In this hostile environment unions need external support, both moral and financial, to continue their struggle;
- 4) If trade unions do not receive the support they need and democracy is rolled back, Africa will continue its descent into political and economic chaos;
- 5) When given sufficient support, both moral and financial, trade unions are a successful counter weight to anti-democratic forces and promote long-term stability, good governance and economic growth.

It is clear to those of us who work in Africa that Africa is currently at a crossroads. Ordinary people, including workers represented by trade unions, want to take the path leading to greater freedom, representative government and realization of constitutionally-guaranteed human and worker rights and the potential for increasing economic opportunity through national development. However, anti-democratic forces are determined to force ordinary citizens down the path leading to renewed dictatorship, increasing corruption and oppression and decreasing economic fortunes. The battle is not an even one, since the forces marshalled against democracy invariably have a direct line into the full power of the government, including police, army, public funds and direct international donor assistance, at their disposal.

The AFL-CIO's primary responsibility is, of course, to the U.S. workers and to our country's economy. The work of organized American labor abroad is of direct benefit to U.S. workers and to our country's economy.

The failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions of their own countries. This turn-of-the-century measuring stick is at the root of international solidarity among democratic trade unionists. As George Meany, the first President of the American Federation of Labor and Congress of Industrial Organizations put it, "You cannot be a good trade unionist without being an internationalist." In short, improving the conditions of work and the earning power of workers abroad contributes to improving the conditions of work and the standard of living of U.S. workers at home. Neither U.S. workers, nor U.S.



employers can compete against labor paid at pennies-a-day. Although U.S. employers can move their production to pennies-a-day locations, U.S. workers cannot similarly transform themselves. As U.S. employers seek out increasingly cheaper places and means of production, U.S. workers will be left with a declining standard of living and many more will be jobless. This does nothing to improve our country's economy.

In an increasingly interconnected world economy, foreign workers must have purchasing power sufficient to absorb output of U.S. workers. Even Henry Ford, no friend of organized labor, understood that he had to pay his workers enough so that they could afford to buy the automobiles they were producing. This cannot happen if workers are not free to form legally recognized trade unions and collectively bargain with their employers. And that cannot happen under military regimes or back-sliding multiparty governments.

For those of us who want to tip the balance in favor of democracy and in favor of economic development for all of Africa's peoples, it is important to understand that the window of opportunity is narrow and may not be open for long. It is the belief of the AFL-CIO that we need to act now, taking whatever steps are necessary to help African trade unions continue their fight for a better life for their members and all other citizens.

One measure that can be taken is to extend international trade rules to provide stronger protections for workers' rights. These rules should be at least as strong as the rules that protect property rights. They should ensure that the working people of developing and developed countries are not forced into cutthroat competition to the detriment of all.

A good starting point would be an effective linkage of U.S. trade to International Labor Organization (ILO) standards on forced labor, employment discrimination, child labor and fundamental rights to organize and bargain collectively.

One of the worst signals that could be given to African workers at this time would be the withdrawal, or significant reduction, of U.S. assistance to them in their struggle to preserve their rights against almost overwhelming odds.

A quarter of the world's population remains on the margin of survival, struggling with malnutrition, poor housing, illness and unemployment. Whether we choose to be involved or not, poverty in these countries is affecting the lives of American citizens in dramatic ways--through lower wages for American workers, illegal immigration, and international terrorism which threatens Americans at home and abroad. Although foreign assistance alone will

not solve these problems, U.S. expertise, technology and finance, along with the values of democracy are invaluable instruments in providing hope and support for nations which are struggling to pull themselves out of the depths of poverty. Poverty, ignorance, disease and a lack of basic human freedoms are the root causes of extremism, civil strife and instability in all of its various forms, in a fragile new world system.

Economic development is inextricably related to democratization and the expansion of independent institutions that give ordinary people a voice in the governance of their nations. Trade unions stimulate innovation, confront corruption, defend human rights and promote democratic practices and institutions. And, when given the support, strong African trade unions are watchdogs for good governance and economic development.



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